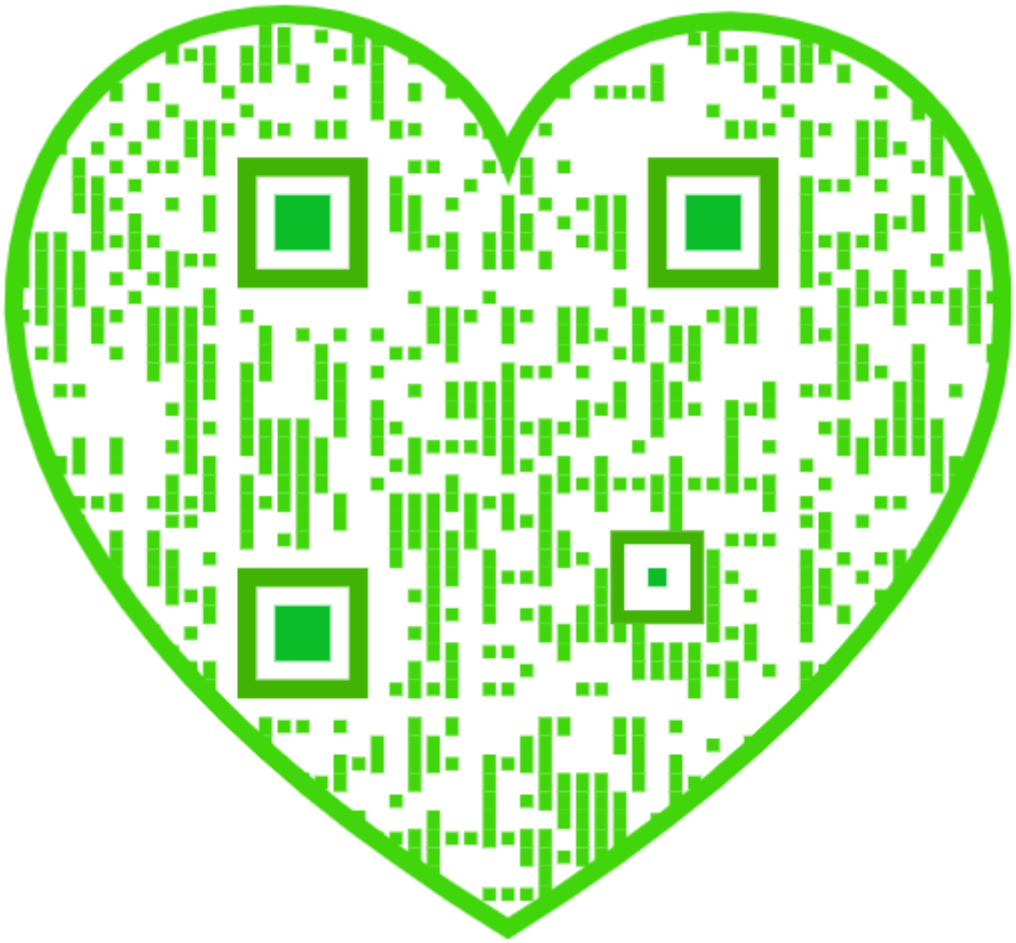

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GOVERNMENT AND THE CITIZEN

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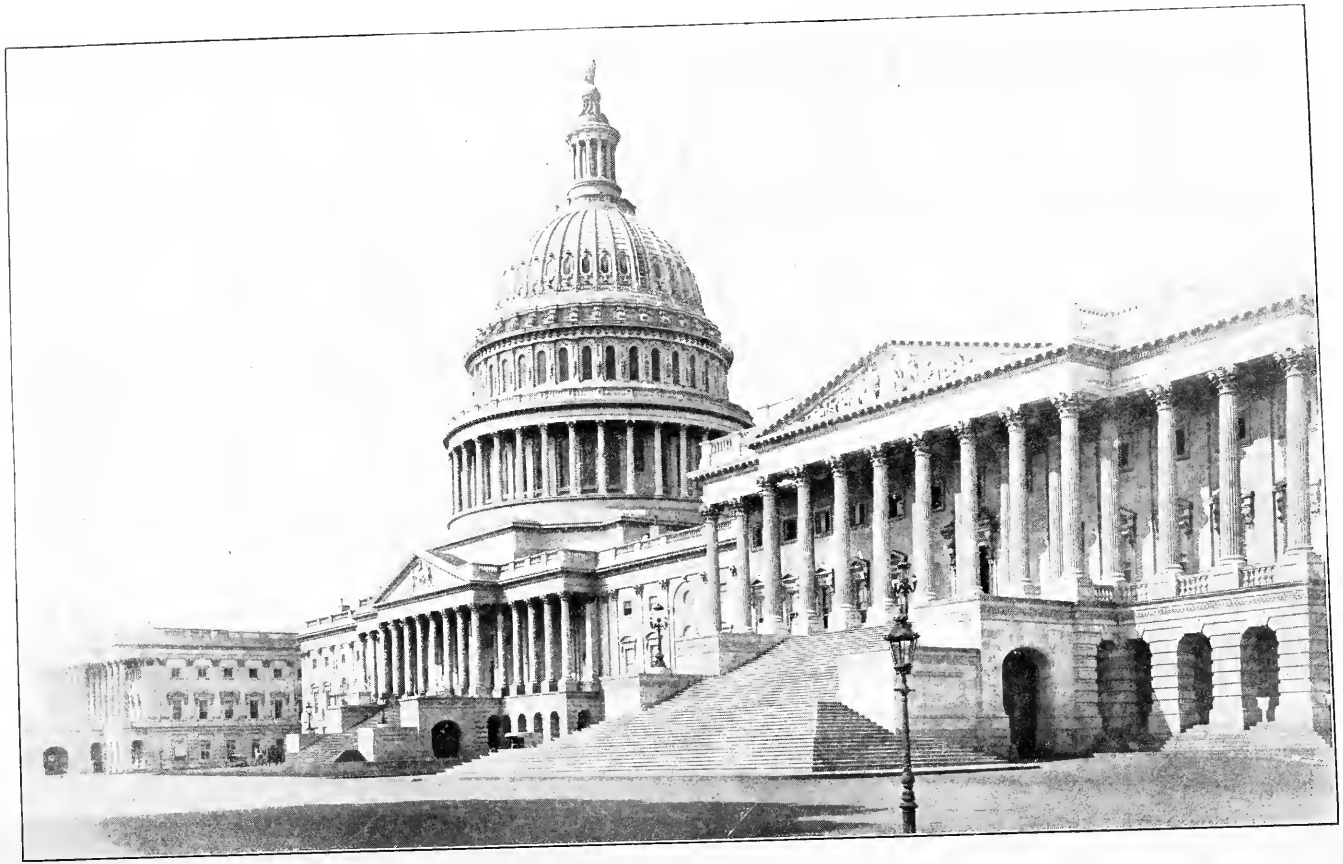

(*Frontispiece*) THE CAPITOL AT WASHINGTON

GOVERNMENT AND THE CITIZEN

BY

ROSCOE LEWIS ASHLEY

AUTHOR OF "THE AMERICAN FEDERAL STATE"
AND "AMERICAN GOVERNMENT"

ILLUSTRATED

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PREFACE

In preparing this little book for use in schools, the author has attempted to describe those activities of our governments which will be of especial value and interest to youthful citizens. Historical accounts, comments on provisions of the state and national constitutions, and descriptions of the machinery of government have therefore been made as brief as possible.

The text is arranged with the expectation that the pupils will recite on topics. If the topics considered in the numbered sections are too long, even when the marginal notes are used to help the pupil in his recitation, each pupil may be asked to recite on one paragraph only, or on a part of a paragraph, using the marginal notes as the headings of these shorter topics. Care should be taken to see that the pupils really *discuss* these topics, not only presenting in their own language the substance of the text, but giving additional information or suggestions of their own whenever possible. Some of the sections or paragraphs are perhaps too long, too difficult, or too general for treatment in this way. A few of these may simply be read in class, and others may be dis-

cussed with the books open. All words or expressions which are given at the close of each chapter, in the list of terms to be explained, should be understood by the pupils before they finish studying the lessons in which these terms occur. If they are likely to have difficulty in ascertaining the meaning of any expression, it should be explained when the lesson is assigned. Pupils should be encouraged to mention examples of governmental activities that have come under their own observation or have attracted their attention in reading. Teachers will often be surprised to learn how much information, perhaps of an unscientific character, many of the pupils possess on these matters, and will find that great interest can often be aroused by persuading the boys and girls to ask their parents and friends about the work of government, and to investigate further for themselves.

Many of the "Text Questions" at the close of each chapter are suggestive only — questions to be answered from the text by a little search or thought. In the "Supplementary Questions" a limited number of references have been given, but the teachers or pupils who wish to examine a larger amount of material on subjects discussed in this book should make use of the extensive bibliographies in the author's "American Government" or in his "American Federal State."

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GOVERNMENT AND THE CITIZEN

INTRODUCTION

WHY WE HAVE GOVERNMENTS

1. Personal Needs. — Human needs are so various that no individual supplies himself with more than a few of the things necessary to his existence and comfort. In all probability, no one of the articles of clothing that he wears was made with his own hands, and very little of the food that he eats was grown by himself. He lives in a house which another man built, a second painted, and a third provided with plumbing. His carpets probably came from one state, his furniture from another, and his pictures from a third. He does not obtain his newspaper, his periodicals, and his books from the same source. The needs that he has every day have been supplied by the exertions of a multitude of workers, many of whom live in foreign lands. But these articles which we have mentioned, essential though they are to his continued existence, do not come to him for the asking. He can obtain them only by exchanging for them some of the money which he has in his possession, or which he is earning day by day. Because these articles satisfy *personal needs*, and because they

Personal needs and how they ar satisfied.

may be obtained through regular purchase, each man must provide them for himself and for those dependent on him. He cannot expect his neighbors to supply him with such articles as he may want, for they will not do for him what he can do for himself.

The need of roads.

2. Public Needs. — Besides food, clothing, shelter, and other personal requirements, there are many things which we need that cannot be bought from other people. In order that we may go from our homes to the stores where goods are sold, there must be roads, which will, of course, cross the property of a great many persons. A road cannot be laid out unless the property owners or their representatives agree upon a route to be followed, nor can it be used to advantage unless the width is everywhere the same and unless it is constructed in the same way throughout its entire length. A road which, even for a short distance, is nothing but a narrow foot-path is useless for wagons, and therefore is valueless for trade of any importance.

The need of protection for life and property.

Much more necessary than roads is the need of protection for ourselves and our property. If some villain steals our food or burns our houses, we shall suffer personal want, nor can we properly protect ourselves if obliged to depend exclusively on our own efforts. Have you ever stopped to think what would happen if every person from whom anything is stolen were obliged to hunt up the offender, and, if the thief could be found, to punish him for his misdeed? In how many cases would it be possible to learn who the guilty party was? How long would it

be before thieves and murderers would seize property and destroy life without any risk whatever, if every man were obliged to protect his possessions and the members of his family from those who desire to do him injury? Is it not clear that life and property cannot be safe unless the members of a community organize to protect themselves against wrongdoers? Not only must they organize for this purpose, but they must have for their protection some uniform rules which people must obey, if serious dangers are to be avoided. Furthermore, since what is everybody's business is nobody's business, they must have certain members of the community who see that the rules or laws are obeyed, and that lawbreakers are brought to justice and punished.

How the public protects itself.

These are but two examples of the many needs which must be met if we are to continue to live and do business. Our houses will be of little value to us if any one may burn them without risk of punishment. We should not long enjoy the privilege of purchasing what is necessary for the satisfaction of our personal needs, unless there are rules or laws under which business may be transacted and which will protect the honest dealer from the sharper and the swindler. In short, PUBLIC *needs must be satisfied before we can satisfy our* PERSONAL NEEDS. Indeed, there could be no civilization such as that in the United States to-day, unless we may live and care for our personal interests in security; and this security can be preserved in no other way than by a permanent and responsible organization which exists

Public needs and personal needs.

for the purpose of satisfying our *public or political needs*.

What government is and what it does.

3. Government. — To this permanent organization, which cares for these vital public interests of ours that make civilization possible, the name *government* is given. If we were to look into the history of mankind, we should find that at no time was there lacking some kind of government, because these public needs have existed everywhere and always. But we should also find, as we should expect, that because our life is very different from that found among semibarbarous peoples whose homes are scattered and often temporary, our government is very much more elaborate than theirs. Nevertheless, we shall find that the governments have this in common, that in every case *government is a permanent political organization, which possesses authority to make, enforce, and interpret rules for the public protection and welfare.* It is a permanent organization because these interests cannot be cared for properly except by an organization that is ready for action every day in the year. It has been found advisable to leave not only such vital subjects as the protection of life and property, but all other public matters of common interest, to our governments, which are fitted for these duties, both on account of their organization and by virtue of the authority which they possess.

WHAT OUR GOVERNMENTS ARE LIKE

4. Why we have Three Departments of Government. — It would be unwise to leave all the work of

An example showing the government at work.

governing to one person, even if this were convenient, but it is clearly impossible. The policeman who arrests an offender in the street cannot send him to prison as a punishment for his offense. The act of arrest simply brings him before a court, where he is detained only in case a definite charge is brought against him. The court listens to the evidence which is presented, and decides whether the accused man is guilty of the crime with which he is charged. If it appears that he is not guilty, he is at once released; otherwise the court sentences him to imprisonment, or compels him to pay a fine. But the court may not try the accused man unless he is supposed to have committed an offense that is named in a *law* which has been passed at some previous time for the protection of the community.

The legislative, executive, and judicial departments.

We can see, then, that officials connected with our governments have been engaged in three distinct acts: (1) the act of *making* the law, when the crime was defined and a suitable punishment proposed for those who break the law; (2) the act of *enforcing* the law, which was performed by the policeman; and (3) the act of *interpreting* the law, when the court decided what the law was and whether the accused man had broken the law. Because these acts are distinct, we have three departments of government, each of which performs one set of duties and one only: the *legislative department*, which makes the laws; the *executive department*, which enforces them; and the *judicial department*, which interprets or explains the meaning of the law.

Why we have written constitutions.

5. The Need of Constitutions for our Governments. — Not only do our governments need *machinery* or departments with which to carry on their work, but they must have *authority*. If any person or set of persons may perform acts which interfere with the work of our governments, and the governments have no authority to overcome this opposition, they certainly will fail to perform their tasks. Without authority a government would be an object of ridicule and contempt. In this country none of our governments have any inherent authority, that is, no authority that comes from themselves; they derive all of their authority from the people, who give them certain duties to perform and confer upon them the necessary powers. But for fear that the governments may assume duties and powers to which they have no right, and that they may exercise their authority by restricting the liberty of the people, the people have adopted documents called *written constitutions*. These constitutions set forth in some detail what machinery the governments shall have, that is, how the different departments shall be composed or organized, and what powers they shall be permitted to exercise. The constitutions, therefore, serve the double purpose of conferring powers on the governments and of limiting the powers of the governments. They do this because too little government is anarchy, whereas too much government is tyranny.

What the constitutions are like.

6. Our National and State Constitutions. — In studying geography we noticed that we live not only

within the United States, but within a particular state as well. At the present time, therefore, each one of us lives under two constitutions, that of the nation and that of our state. The *national* constitution not only shows how the national government shall be organized, as explained in the next section, but confers on this government the right to regulate all foreign affairs and all other matters that no one state can do for itself, the state governments being prohibited from doing these things. The *state* constitutions give the form and the general duties of all other governments, state and local, under which we live.

Why we have the two kinds.

7. The National Government. — The Constitution of the United States, from which our national government derives its authority, was drafted by a convention held at Philadelphia in 1787, and was ratified by conventions elected for that purpose in the thirteen states that then composed the Union. It has since been amended fifteen times. This Constitution provides for a legislative body of two houses called Congress. The smaller house, known as the Senate, is composed of two senators from each state. In the larger chamber, the House of Representatives, each state has a number of members dependent on its population. The chief executive official of the United States is the President, who is chosen for a term of four years, and appoints nine advisers, called his Cabinet. He is, however, assisted by about two hundred and fifty thousand persons who help him in executing the laws and in looking after

Adoption of the national Constitution.

Congress.

The President.

the business of the national government. The judicial department consists of a single Supreme Court, which always meets at Washington, and numerous inferior courts which try cases in different parts of the country.

The courts.

The three departments.

8. The State Governments. — All of the states in the American Union have governments that are very much alike. At the state capital there meets every year or every second year the body of men called the legislature, which makes the laws. As with Congress, there are always two houses of the legislature, but the members of both houses are elected by the voters from districts into which the state is divided. Corresponding to the President is the state governor, who is elected by the people of the state, and who is assisted in the enforcement of the law by numerous officials, most of whom are also chosen by popular vote. There are in every state courts which interpret the laws. The system is the same in form as that used for the government of the United States as a whole, but there is this important difference, — the people elect a great many of their representatives in the state government, whereas comparatively few of those connected with the national government are selected directly by popular vote.

How state officials are chosen.

Popular character of local government.

9. Local Government. — Our local governments are even more distinctly governments of the people than are the state governments, for a still larger proportion of the officials are chosen by the voters for local offices than for state positions. This is perfectly natural, for the people are more interested in the public work being done near them than at a distance

and will give more time to it. They wish to supervise very carefully the officials who perform the work of local government — the county officials and those of their city, town, village, or school district. All of us live under county governments because every state is subdivided into counties, and most of us are under the protection and supervision of either town, village, or city officials as well. Each of these governments has its courts, its executive officials like the city mayor, the county sheriff or the town constable, and its lawmaking body.

Forms of local government.

To us these local governments should be and are the most real of all. We know where the courthouse and the city hall are located, although we may never have been inside the court rooms or offices they contain. The bridges which our local governments have built, the streets and roads that they have laid out, the schoolhouses they maintain, are all familiar objects. It makes more difference to us whether a local official is honest and industrious than it does if a state or national official is careful in performing his duties, and we therefore watch his actions with greater interest.

Our interest in local government.

CITIZENS : THEIR RIGHTS AND DUTIES

10. Who are Citizens. — In the first part of this chapter we spoke of the *members* of this community. Instead of the word *member* the word *citizen* will be used hereafter to designate those who make up the great nation that we call the United States. In order to learn who are citizens,

The definition of citizenship,

let us consult the Fourteenth Amendment of our national Constitution, which gives us this definition: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." Now, many people have the impression that only voters are citizens, but this is a mistake, for women and children are just as much members of the community as men are, and this amendment clearly states that all persons born in the United States are citizens. Men, women, and children are therefore citizens, provided they have been born in the United States and are under the protection of its governments, for that is what "subject to the jurisdiction thereof" really means.

and its explanation.

11. Naturalized Citizens. — But the amendment also says that naturalized persons are citizens. That is, foreigners who come to this country and make a permanent home among us, can become citizens by a process of "naturalization." As nearly one million foreigners came to the United States during the last year (1903), and as nearly twenty millions of them have come to America since 1850, it would be very unwise to prevent them from becoming citizens. If they were among us, although not really members of our communities, with no interest in or rights under our governments, but still loyal to the country from which they came, they would be a menace to our prosperity and safety. That danger is avoided by permitting them to become citizens after they have resided in this country a period of five years.

Why foreigners are allowed to become citizens.

The process by which foreigners become citizens is as follows: (1) the applicant for citizenship must first declare, before some court of record, that he intends to become a citizen of the United States, that he will support the Constitution, and must renounce his previous allegiance to any foreign state or sovereign; (2) not less than two years after making this declaration, he must prove before a similar court by means of witnesses that he has resided in this country at least five years, and has conducted himself properly. He then renounces his allegiance to his former sovereign and swears to support the Constitution. His wife and minor children become citizens without further formalities.

How foreigners become citizens.

12. Rights and Duties of Citizenship. — If a person is a citizen of the United States, he owes something to his country and deserves something from it. First of all, he owes it his allegiance. In time of peace or in time of war, he must be ready to uphold the honor of his country and must be willing to give his help in protecting her from foes within and without. Under ordinary circumstances, this help can be given best by obeying the laws, by paying cheerfully and honestly his share of the government's expenses, by studying his country's needs and voting intelligently when opportunity offers, and by using his influence on all occasions for the preservation of law and order.

Some of a citizen's obligations.

Besides these duties, which will be considered more at length in Part I of this book, he enjoys many rights and privileges which come to him because of

Some rights and privileges of a citizen.

his citizenship. Many of these rights are discussed in later chapters, but it may not be amiss to mention that no nation confers on its citizens greater political privileges than does ours, nor is there any other country where a citizen may speak, write, worship, or act with the same freedom as in the United States of America. Nowhere is life considered more sacred or the rights of property treated with such consideration. Truly it is, as we have long believed, a land of the free, and our gratitude for this freedom, without blinding us to our national faults or to the defects of our government, should make us serve our country to the best of our ability.

TEXT QUESTIONS

1. Give the distinction between personal and public needs.
2. Why must public needs be satisfied before we can satisfy personal needs?
3. Give the definition of government and explain all of its provisions.
4. What are the three departments of government and what does each do?
5. Why do we have written constitutions? What double purpose do they serve?
6. How is the national legislative department composed? Who is the chief executive official of the national government, the state government, the local governments?
7. Name the different forms of local government.
8. What is the chief difference between the national, state, and local governments?
9. Who are citizens?
10. Why should foreigners be allowed to become citizens?
11. How are aliens naturalized?
12. Look up the definitions of the following words: "representatives" (§ 2), "organization" (§ 2), "departments" (§ 4),

"machinery" (§ 5), "authority" (§ 5), "document" (§ 5), "anarchy" (§ 5), "tyranny" (§ 5), "convention" (§ 7), "menace" (§ 11), "sovereign" (§ 11), "renounces" (§ 11). [Use your dictionaries to learn the meaning of all other words in this chapter or in later chapters which you do not understand; a few are given in this and a few succeeding chapters only.]

13. Explain the meaning of the following words or expressions: "permanent and responsible organization" (§ 2), "interpreting the law" (§ 4), "machinery" of government (§ 5), "inherent authority" (§ 5), "popular vote" (§ 8), "naturalization" (§ 11), "allegiance" (§ 11), "political privileges" (§ 12). [Dictionaries may help some in learning the meaning of these terms, but the best way of understanding them is to read the sentence in which they occur, noting carefully the connection in which they are used.]

SUPPLEMENTARY QUESTIONS

1. Name other personal needs besides those mentioned in § 1.
2. Give additional examples of public needs.
3. Why is protection of ourselves and our property more necessary than roads?
4. Name some of the essential duties of government and some of those less necessary. (Consult Ashley's "American Government," §§ 2, 3.)
5. Why do we need national, state, and local governments?
6. What do you know about Washington? Where is our state capital? Do we live at the county seat? If not, how far from it?
7. What other government buildings have you seen besides those mentioned in § 9? Do all of these belong to the local government?
8. What is meant by a "federal system" of government? (Ashley, "American Government," § 11.)
9. How many members of this class are citizens? Are any of them naturalized citizens?
10. Give the principal rights and duties of citizens. (Hart, "Actual Government," § 10.)
11. How might the government be "restricting the liberty of the people" (§ 5)?

PART I

THE CITIZEN'S PART IN GOVERNMENT

CHAPTER I

SUFFRAGE AND ELECTIONS

13. The Voter and the Citizen. — We are in the habit of calling our governments "popular governments" because they represent the people, but of course not all the people — not all of the citizens even — have a share in the election of our officials or in the work of government. As we noticed in the introduction, children are citizens if they were born in this country, or if their parents have been naturalized. Yet it would be absurd if they were allowed to vote. To vote intelligently, a person must have some knowledge of political affairs and some experience in dealing with men. For these reasons, only men have been allowed to vote heretofore, as they have owned most of the property and done most of the business of the nation. Many states allow only men who are citizens, but about one third of them confer the privilege of voting on foreigners who have declared their intentions of becoming citizens. So

Why all citizens are not voters.

Who are voters.

that it is not true that all citizens vote, although it is practically true that none but citizens may vote, for no foreigner may cast a ballot unless he will soon become a citizen.

From colonial times to the present.

14. Historical Changes in the Suffrage. — Although we have to-day what we call "manhood suffrage," all men being allowed to vote, it is not many years since the honor of voting was the privilege of the few. In colonial times no man was permitted to share in the election of public officials unless he owned real estate. Our ancestors thought that it was dangerous to give the elective franchise[1] to those who were not landed proprietors. Gradually this idea that a property qualification was necessary disappeared, and the laws were changed so that most adult male white citizens voted. Then came the Civil War, at the close of which the United States adopted the Fifteenth Amendment (1870), conferring the franchise on negroes. Since that time many laws have been passed to exclude the most ignorant of the whites and blacks, because they had not been able to vote wisely.

Qualifications of voters.

15. Who may vote at Present. — We should notice first of all that there is no national suffrage law, all laws with regard to voting being made by the states and placed in the state constitutions. The United States Constitution, however, prevents the states from denying to citizens the right to vote on account of race, color, or previous condition of servitude, so that, although the requirements are not the same in

[1] That is, the right to vote.

all of the states, the differences are, on the whole, not very great. The universal age limit is twenty-one, no one younger than that being allowed to vote anywhere. All voters must also have been, for a short time, residents of the district in which they vote, and of their state from three months to two years. In over two thirds of the states all voters are citizens, but thirteen give the right of suffrage to foreigners who have declared their intention of becoming citizens. In four states, Wyoming, Colorado, Idaho, and Utah, women may take part in all state and local elections. In Kansas they may vote at municipal elections, and in twenty other states they help to select school trustees or vote on questions of taxation if they own property.

Disqualifications of voters.

16. Who may not Vote. — Not only are children excluded from voting everywhere, and women in most of the states, but several classes of adult male citizens are denied the franchise for reasons more or less excellent. Persons who are insane, or otherwise mentally incompetent, are universally excluded from voting, as are men convicted of some serious crime for which they have not been pardoned subsequently. Paupers in public institutions are often debarred from the suffrage, and many states demand the prepayment of taxes. Three of the New England states and a few others have attempted to raise the intellectual standard of the voters by shutting out those who cannot read or write. The majority of the Southern states, in their efforts to protect themselves from the ignorance of many of the blacks within

their borders, have passed laws that no one shall vote unless he owns property or can read.[1]

From nomination to installation.

17. The Steps in Popular Election. — Having learned who may vote, let us now turn to the election methods by which our public officials are chosen. When voters go to the polls and cast their ballots, they vote for those only who have been *nominated* for office. These nominations are made several weeks before the election by conventions held by the political parties. Between the nominations and the election, these nominees or candidates and their friends in their party make every effort in the *campaign* to win over the voters to their side. After the voters have expressed their preference in the *election*, the successful candidates are *installed* in office upon the day set by law for assuming their new duties.

Efforts made to secure votes.

18. The Election Campaign. — The way in which candidates are nominated by the political parties we shall consider in the next chapter. Following the nominations comes the campaign, in which each party makes every effort to elect its candidates. Money must be obtained to pay the expenses of printing speeches and arguments and to secure the services of speakers, while personal effort must be made to obtain the support of the "waverers," and bring all of the party's adherents to the polls. In a city election, for example, the city committee takes charge of the campaign, and raises and distributes funds,

[1] Virginia, North Carolina, South Carolina, Alabama, Mississippi, and Louisiana have at present suffrage laws that discriminate against ignorant negroes.

while the ward committees organize clubs, hold meetings, and perform active duties on election day. In the campaigns of to-day, fortunately, less appeal is being made to prejudice and selfish interests than was formerly the practice.

Registration of voters.

19. Preëlection Requirements. — In one half of the states all persons who wish to vote must register their names before election, showing where they reside and proving that they have a right to vote. In the other states, registration is usually required only in cities. These registered electors can then vote only at the election booth of the precinct or voting district in which they live. This enrollment is necessary to prevent men from voting in more than one precinct, as the officials in charge of the election may not have a personal acquaintance with the voters.

The Australian ballot.

Most of the states have now adopted, with some modifications, a form of ballot similar to that in use in Australia. The names of candidates of each party or ticket are placed in a column separate from the candidates of all other parties. Sample ballots are sent to the voters by the city or county clerks before election, so that an opportunity is given to learn the names and investigate the qualifications of the candidates.

The process of voting.

20. Holding an Election. — A person who wishes to vote goes to the polling place which has been selected for his precinct by the authorities and which is kept open about ten hours on election day. He first gives his name and address to a clerk, who records both

To vote for a person, stamp a cross (X) in the square at the right of the name.

REPUBLICAN TICKET	DEMOCRATIC TICKET	SOCIALIST TICKET	PROHIBITION TICKET	CONSTITUTIONAL AMENDMENTS
For Governor, GEORGE C. PARDEE.	For Governor, FRANKLIN K. LANE.	For Governor, GIDEON S. BROWER.	For Governor, THEODORE D. KANOUSE.	**Senate Constitutional Amendment No. 4** Relating to the public school system and the support of public schools. Yes. / No.
For Lieutenant-Governor, ALDEN ANDERSON.	For Lieutenant-Governor, I. B. DOCKWEILER.	For Lieutenant-Governor, FRANK R. WHITNEY.	For Lieutenant-Governor, S. P. MEADS.	
For Secretary of State, CHARLES F. CURRY.	For Secretary of State, ALEXANDER ROSBOROUGH.	For Secretary of State, FRED C. WHEELER.	For Secretary of State, ARTHUR C. BANTA.	**Senate Constitutional Amendment No. 18** Relating to the division of the State into fish and game districts. Yes. / No.
For Controller, E. P. COLGAN.	For Controller, FREDERICK HARKNESS.	For Controller, S. EDGAR ALDERMAN.	For Controller, J. E. MCCOMAS.	
For Treasurer, TRUMAN REEVES.	For Treasurer, SAM H. BROOKS.	For Treasurer, OSWALD SEIFERT.	For Treasurer, JAMES CAMPBELL.	**Senate Constitutional Amendment No. 3** Relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts), within said State. Yes. / No.
For Attorney-General, U. S. WEBB.	For Attorney-General, WILLIAM A. GETT.	For Attorney-General, CAMERON H. KING.	For Attorney-General, JOEL H. SMITH.	
For Surveyor-General, VICTOR H. WOODS.	For Surveyor-General, C. H. HOLCOMB.	For Surveyor-General, W. STEVENSON.	For Surveyor-General, THOS. B. RUSSELL.	**Senate Constitutional Amendment No. 6** Relating to city charters. Yes. / No.
For Clerk of the Supreme Court, FRANK C. JORDAN.	For Clerk of the Supreme Court, L. H. WILSON.	For Clerk of the Supreme Court, SCOTT ANDERSON.	For Clerk of the Supreme Court, C. C. COLLINS.	
For Superintendent of Public Instruction, THOMAS J. KIRK.	For Superintendent of Public Instruction, E. W. LINDSAY.	For Superintendent of Public Instruction, ANNA F. SMITH.	For Superintendent of Public Instruction, CHARLTON EDHOLM.	**Assembly Constitutional Amendment No. 25** Relating to the hours of labor on public work. Yes. / No.
For Superintendent of State Printing, W. W. SHANNON.	For Superintendent of State Printing, E. I. WOODMAN.	For Superintendent of State Printing, S. H. LAVERTY.	For Superintendent of State Printing, LEROY S. ATWOOD.	

This is a part of a ballot used in the election held in California, November 4th, 1902. The ballot complete measured 21 × 22 inches, and contained the names of nominees for thirty-eight offices. There were two vertical columns for independent and irregular nominations on the original.

and learns whether the voter was duly registered, provided registration is required. He then receives a numbered "official ballot," which he takes into a booth where he is cut off from communication with others. With a rubber stamp he places a mark opposite the names of the candidates of his choice, folds the ballot, and hands it to the election inspector. The inspector tears off the number, announces the name of the voter, and then deposits the ballot in the ballot box. The clerk at the same time makes a record showing that the person has voted.

Challenging of voters.

Each party is allowed to have a certain number of "watchers," who make sure that the election proceedings are perfectly regular. Any voter may "challenge" any other voter on the ground that the latter is not eligible to vote in that precinct. He must then take an oath that he has a right, or he will be excluded from voting.

Canvassing the votes.

When the polls are closed, the ballots are publicly counted by the judges, who then forward the ballots to a canvassing board, which examines the returns and makes an official announcement of the number of votes cast for each candidate. The successful candidates are duly notified and later installed in office.

Times of holding elections.

The usual time for holding county, state, and national elections is the Tuesday after the first Monday of November. City elections are ordinarily held separate from other elections, either in November of different years from the state elections or at other times. Town elections are usually held in the spring.

Dangers arising from fraud and bribery.

21. Efforts Made to Guard the Purity of Elections. — In popular governments like ours, anything that prevents the people from voting freely and electing as public officials the persons whom they wish, is a serious misfortune. If any set of men, by using undue influence, bribery, force, or fraud, can defeat these wishes of the people, they have to that extent injured our political system. For these reasons, laws have been made, or have been proposed, which will protect the honest many from the corrupt few. Only a few years ago, before the Australian ballot was adopted, it was almost impossible for a man to vote secretly, as partisan workers were allowed free access to the polling places, and there was little difficulty in learning for which party the vote was cast. The buying of votes, both before and at election, was very much more common than it is now. Often election returns were tampered with. These and other abuses have been largely abolished because the public has been aroused to the magnitude of the wrong and has insisted upon better laws, which have been more strictly enforced.

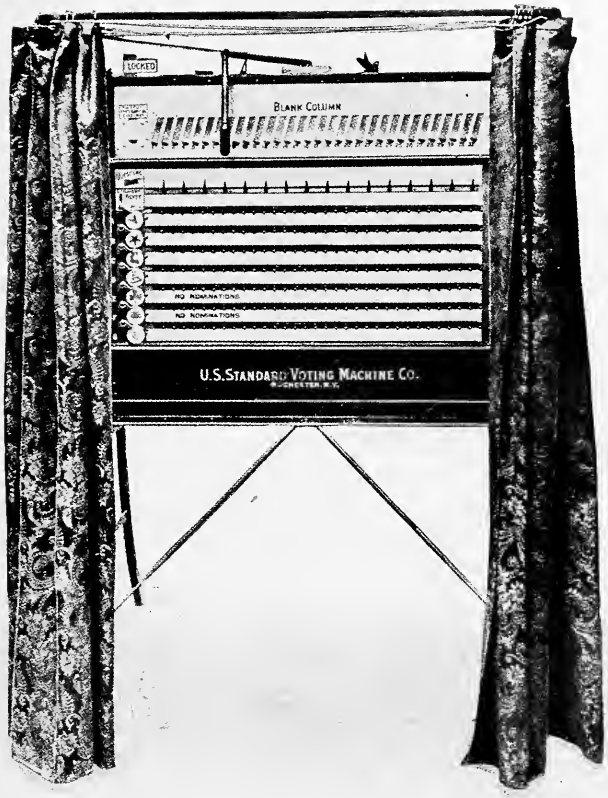
Ballot reform.

Corrupt practices acts.

Among the means used to prevent bribery of voters, especially prominent are the "corrupt practices acts," which require the different candidates to file, with the state secretaries of state or county clerks after elections, a complete statement of all money they have expended.

The referendum.

22. The Referendum and the Initiative. — In addition to the selection of officials, the voters are expected to vote at elections on important laws. For-



A Sample Voting Machine.

In many States the use of voting machines is permitted by law. In the one shown above all of the candidates on one ticket are in the same horizontal column, all of the candidates for any office being in the same vertical column. After closing the curtains the voter turns one of the large knobs shown at the left of the cut. This raises all of the little pointers in that horizontal column, and completes the process if the voter wishes to vote a "straight" ticket. If he desires to vote for other candidates for any offices, however, he turns down the pointer in the column in which the office is located and turns up the pointer which is immediately above the candidate preferred. In either case he then opens the curtains and the vote is mechanically recorded.

merly it was thought that all laws should be proposed and enacted by representatives of the people; but nowadays many important measures must be indorsed by the people before they go into effect. State constitutions, although drafted by delegates chosen by the people for that purpose, are usually submitted to the people for their ratification. Proposed amendments to these constitutions are always approved by the people before they become parts of the constitutions. The votes of the citizens decide whether bonds may be issued by their government, and whether they shall prohibit the sale of liquor. This participation of the voters in the work of government is called *direct legislation*. Of direct legislation there are two forms, the "*referendum*," which allows the voters to *ratify* measures proposed by the officials, as shown above, and the "*initiative*," which permits a certain percentage of the voters to *propose* laws. A measure suggested by the people must be considered by the legislature, and if not passed by that body, is submitted to all of the voters at the next election for their ratification or disapproval.

The initiative.

23. The Value of Direct Legislation. — The advantages of giving to the people the final decision on such important questions as those treated in constitutional amendments cannot well be questioned. It seems equally important that bills or resolutions involving the expenditure of large sums of public money should likewise be submitted to the voters, for the action of the state legislature or the city council upon these financial bills might be controlled

Advantages.

by a few members who are willing to sell their votes for a consideration. By the initiative, a legislative body may be forced to respect the public demand for some law, which otherwise it would have refused to consider. Acting thus as a check upon the legislatures, and as a means of educating public sentiment, direct legislation gives us better government than we should have had without it. There is no doubt that year by year it is being used more extensively. But therein lies a danger, that we shall use it for the ordinary details of government (a task for which the voters *en masse* are not fitted) instead of considering it a check upon our councils and legislatures.

Disadvantages.

The obligation to vote.

24. The Duty of Voters. — As our country is governed by the people, the success of its government depends upon the earnest and intelligent action of the voting citizens. No voter can be held responsible if our governments fall into the hands of those who desire personal advantage at the expense of the public, but every voter is to blame if he has not done the best that he can. If he remains away from the polls through indolence or indifference, if he votes in a way that his conscience does not approve, if he casts his ballot without understanding the principles his candidates represent and without informing himself concerning the merits of the different nominees, he is remiss in his duty. It is true, he may make every possible effort to obtain good government without success, but, where misgovernment exists within the United States, the fault is the

people's, for either they desire such a government, or they will not take the trouble to "turn the rascals out."

Corrupt and incompetent public officials.

In some parts of the United States at the present time, the governments which are supposed to protect the citizens fail to do so because the officials find it profitable to overlook the breaking of laws. To these men public office is not a public trust, but a private opportunity. They appoint their friends to the most lucrative government positions, they obtain a commission on contracts for government work, and they allow business men to conduct their work in peace only in case they pay the required price. Besides these political pirates, who fortunately are not numerous, there are large numbers of incompetent officials in office. These men waste the people's money and mismanage the business of government. If a large proportion of the public offices are filled with inefficient or corrupt men, the voters are responsible. It may require long-continued and repeated efforts to displace those who are a menace to our republic, but it can be done, as our history proves. That the task is not one of supreme difficulty is shown by the fact that the great majority of our public servants are honest, intelligent, and sincere. But the corrupt few are so much in earnest and so active in promoting their own interests, that when they have gained a foothold, nothing less than an irresistible demand of the voters will suffice to remove them from power. In political matters, as in some others, "eternal vigilance is the price of liberty."

The voter's responsibility for misgovernment.

TEXT QUESTIONS

1. State the difference between a citizen and a voter.

2. What are the principal qualifications and disqualifications of voters?

3. Explain *fully* each of the four steps in a popular election.

4. Why is registration of voters in cities always necessary?

5. How may a person be prevented from voting outside of the district in which he resides? from voting more than once in his own district?

6. What is a "corrupt practices act"?

7. What is the difference between the referendum and the initiative?

8. Give the advantages of direct legislation.

9. Look up the definitions of "suffrage" (§ 14), "franchise" (§ 14), "nomination" (§ 17), "precinct" (§ 19), "ballot" (§ 19), "qualifications" (§ 19), "candidate" (§ 20), "polls" (§ 20), "bribery" (§ 21), "partisan" (§ 21), "ratification" (§ 22), "amendment" (§ 22), "nominee" (§ 24).

10. Explain the following terms or expressions: "popular government" (§ 13), "manhood suffrage" (§ 14), "property qualification" (§ 14), "waverers" (§ 18), "registration" (19), "official ballot" (§ 20), "watchers" (§ 20), "our political system" (§ 21), "political pirates" (§ 24).

11. What is meant by a "national suffrage law" (§ 15)? by "foreigners who have declared their intention of becoming citizens" (§ 15)? by "election returns were tampered with" (§ 21)?

SUPPLEMENTARY QUESTIONS

1. Has a man as a man any right to vote?

2. Should there be educational qualifications for voters in every state?

3. Note the recent changes in the suffrage laws of the South. (Oberholtzer, "The Referendum in America," pp. 120–125.)

4. What are the qualifications of voters in this state? (State constitution.)

5. Are local elections held in this district at the same time as state elections? Where is the usual polling place for this precinct?

6. What proportion of the voters stay away from the polls ? (Hart, "Actual Government," § 40.)

7. What is the difference between a majority and a plurality? Which is necessary in an ordinary election ?

8. Why is there very little inducement to bribe voters under the present ballot laws ?

9. To what extent is the referendum in use in this state ?

10. Is the use of the initiative permitted in connection with our local or state legislation ?

CHAPTER II

POLITICAL PARTIES AND THEIR WORK

Union of voters at elections.

25. Why we have Political Parties. — It is scarcely possible that elections will be held year after year without a determined effort being made by sets of men to control the elections. The only way they can accomplish their purpose is to combine their efforts, in other words, to form an organization. But the organization will do them little good, if it ceases to exist as soon as the election is over, for at next election a new organization is necessary. Continued success

Why this union becomes permanent.

requires therefore a *permanent organization.* But a permanent organization will succeed only when it gains the support of large numbers of the voters. Unless the organization is then an organization of voters, and not simply an organization of self-seeking men, it can accomplish very little. But an organization of voters cannot be formed and maintained unless these voters have something in common, aside from the desire to carry the election. Unless they hold similar views on public questions, they cannot

Two characteristics of a party.

be held together. At least two things therefore are necessary for a party — (1) a fairly permanent set of voters holding similar views on public questions, and (2) an organization of these voters which directs their efforts and carries out their wishes.

Two parts of the organization.

26. The Organization of a Party. — If any one should ask us what the organization of a political party is like, most of us would probably tell him that it consists of the *nominating conventions* which meet before every election, for the purpose of selecting candidates for public offices. But these conventions, prominent as they are, form the least important part of the organization. They meet but once in two years, or at most but once a year, and they never remain in session longer than a few days. It is clearly impossible for them to do all of their party's work. The real work of the party is to *elect* its candidates, and this task, as well as most other partisan duties, is performed by *permanent party committees*, which are the backbone of the party, — which are, in brief, the organization. Each party has a national committee for the whole country, a state committee for each state, and one for each county, city, and town.

Why primaries are held.

27. The Primaries. — Several weeks and possibly several months before a state election takes place, the party committee for the state in which it is to be held sends out a call for a nominating convention, composed of delegates from the towns or counties. This gives the date for holding the convention, names the place where the delegates will meet, and states how many delegates shall be chosen from the towns, counties, or other districts to be represented. Very soon after there are held in the wards and precincts throughout the state *primaries* which choose the delegates that form the state convention. Each

Character of a primary.

primary is supposed to include all of the voters belonging to one party who may reside within the district or precinct for which it is called.

Importance of the primaries.

It would naturally be supposed that every voter would attend the primaries to which he is eligible, because his only opportunities of securing good men for office are at the primaries and at the polls on election day. At the election, his choice will be limited to the candidates that have been nominated, all of whom may be unsatisfactory; but at the primaries he may aid in electing delegates who will be sure to favor good men. In reality, the primary gives him a much better opportunity to obtain good government than the election does. Nevertheless, the majority of the voters in the United States neglect to attend the primaries, or go only to confirm the list of delegates proposed by the ward committee of their party. This committee undoubtedly knows better than the average voter who will make good delegates, so that its list of names should ordinarily be accepted; but very often the committee proposes unfit men that will not act for the best interests of the party. It is of the first importance, therefore, that every voter attend the primaries of his party, and make sure that the right men are chosen.

Composition and early session of a convention.

28. A Nominating Convention presents a very interesting scene. If we should attend a county convention, we should find probably several hundred delegates present, the more populous precincts and towns having a larger number than the smaller districts. A great many visitors would also be in attendance, and

we should undoubtedly find a very excited gathering. The convention is called to order by the chairman of the county committee, temporary officers are chosen and committees appointed to draft resolutions and report on other matters. At length, perhaps on the second or third day of the convention, all other business having been completed, the delegates proceed to their real work of nominating men for the different county offices. If but one name is presented for any office, the clerk of the convention casts one ballot for that nominee; but if several persons desire the nomination, the vote of the entire assembly is taken until some one has a majority of the votes cast. Very often a set of politicians will have decided before the convention meets what nominees they desire, and will try to get the convention to accept their "slate," as such a list of nominees is called, but if more than one set of politicians has a slate, or if the rank and file of the party disapprove the slates presented, an effort will be made to select other candidates.

The nomination of candidates.

29. Direct Nominations. — In several of the Southern states, candidates are nominated for state officers, not by conventions, but by a direct vote of all the members of their party. In many of the other states this method is used in making nominations for local offices. The names of all those who desire the nomination for any office are placed on file with the city or county clerk as soon as they have obtained the signatures of a certain number of voters. On a day set by law an election is held, similar in most respects to a regular election, and the voters are allowed to

Selection of candidates by voters directly.

select their candidates for each office to be filled at the coming election, provided that no one is permitted to vote for candidates of more than *one* party. The candidate of each party who receives a greater number of votes than any other candidate of the same party for the same office is declared the nominee of that party for that office, and his name appears as such on the official ballot used in the regular election.

How the committees are composed.

30. The Permanent Party Committees and their Work. — Besides the nominating conventions, each party has, as we noticed in § 26, a large number of permanent committees. These committees are composed of representatives elected by the members of their party for terms of two or four years. As they may hold sessions at any time, and as the local committees usually act in connection with the state and national committees, each party has an organization of very great power.

What the committees do.

The party committees send out calls for primaries and conventions, and take charge of election campaigns. They decide what voters shall be allowed to attend any primary, frequently using this power to exclude members of their own party who oppose the wishes of the committees. They usually propose to the primaries and to the conventions lists of names, popularly known as "slates," and use every means to secure the election of these men as delegates. During the campaign, the committees use every means in their power, both before election and on election day, to secure votes for their party's candi-

dates. Because the committee organization is very complete, and the parts work well together, the whole system of party committees is frequently known as the "machine."

Selfish character of a ring.

31. Bosses and Rings. — When a machine becomes powerful enough to ignore the party members whom it is supposed to represent and serve, it often uses its power for purely selfish purposes, not alone in controlling primaries, but in electing candidates and in making laws. If, in turn, the machine does the bidding of a clique of men, these partisan dictators form what is known as a "*ring*." A striking instance of the enormous power that may be wielded by a ring is given by the famous Tweed Ring which controlled the government of New York City for several years, during which many millions of dollars were stolen from the city treasury.

What the boss is like.

The politician who controls the machine within his state, city, or ward is called the "*boss*." Boss rule unfortunately has been a prominent characteristic of American politics for a long time, and is likely to continue during our generation at least. Every party must have leaders, and the boss is simply the partisan worker, who, because of his forceful personality, his ability to handle men, and his adroit use of unscrupulous methods, has forced his associates to acknowledge his leadership.

The question of independent voting.

32. The Voter and Political Parties. — Every voter must decide for himself several important questions regarding his relation to the political parties. Shall he remain independent of all the parties, voting first

with one and then with another, or shall he identify himself with one party? Will it be best for him to vote always with his party? If not, when shall he espouse the cause of his political opponents, or vote for some other candidates? Many earnest citizens believe that, by holding aloof from all parties, they can be independent and vote for the best candidates without prejudice. They, of course, are debarred from taking part in the primaries of any party, as they belong to none. Some corrupt men also neglect to ally themselves with any party, but vote for the one which offers them the best inducement at a particular election.

Partisan voters

The majority of the voters, however, are party men, some of whom are bound to their party by the strongest of all ties, those of sentiment. Many of these men believe in the motto, "our party, right or wrong," and support it at all times and under all circumstances, even when the nominees are unfit men acting as the tools of dishonest politicians. Most party men are undoubtedly willing to "scratch" their tickets, that is, to refuse their votes for a man whom they consider unworthy, although in most cases they will vote a "straight" ticket — supporting every candidate of their party. Among men who vote a straight ticket at national elections and even at state elections, there is a decided movement toward voting independently in local elections. They think that in state and national elections it is necessary to uphold the party's policy, but that when municipal or county officials are chosen, the question of the individual fitness of the candidates is the thing that must be considered first.

and local elections.

TEXT QUESTIONS

1. What two things are necessary for a party? Name the two parts of a party's organization.

2. What is a primary? Why are the primaries of the greatest importance? How do the politicians try to control the primaries and conventions?

3. Describe the work of a nominating convention.

4. What is the purpose of direct nominations? What methods are used in direct nominations?

5. What permanent committees has each party and what do they do for the party?

6. Explain the following words or expressions: "primary" (§ 27), "slate" (§ 28), "direct nominations" (§ 29), "machine" (§ 30), a "ring" (§ 31), a "boss" (§ 31), an "independent" (§ 32), to "scratch" a ticket (§ 32), a "straight ticket" (§ 32).

SUPPLEMENTARY QUESTIONS

1. The history of national parties. (Ashley, "American Federal State," §§ 533–540.)

2. For examples of corrupt primaries consult Dallinger's "Nominations for Elective Office," pp. 108–121.

3. Are direct nominations preferable to nominations by party conventions?

4. How are candidates for the presidency nominated? (Bryce, "American Commonwealth," abridged edition, pp. 460–477.)

5. Why may a voter in direct nominations vote for the members of *one* party only?

6. How are funds secured for a party's work? (Woodburn, "Political Parties," pp. 266–274.)

7. How is a presidential campaign conducted? (*Review of Reviews*, XIV (1896), pp. 550–559, XXII (1900), pp. 549–562, XXX (1904), pp. 289–298.)

8. What are the chief objections to "ring rule" and "boss rule"?

9. An English statesman's view of rings and bosses. (Bryce, "American Commonwealth," 3d regular edition, II, pp. 107–119.)

10. Why should a party man vote independently in local elections? (Compare § 116.)

11. On political independence and party loyalty consult Woodburn, "Political Parties," pp. 295–303.

CHAPTER III

FINANCIAL SUPPORT OF THE GOVERNMENTS

The danger of waste, extravagance, and dishonesty.

33. Why Safeguards are Necessary in Government Expenditure. — It would be impossible for our governments to successfully perform the many duties assigned to them without spending a great deal of money. As almost all of this comes directly or indirectly from the pockets of the citizens, it is very important that this money should be raised by as just taxes as possible, and that it should be expended wisely. The danger is not only that dishonest men will find ways to rob our public treasuries, but that incompetent officials will squander public funds by overpaying ignorant employees, or by paying for poor work a sum that should have secured the best obtainable. It is unfortunately true that many people will take advantage of a government, who would scorn to cheat an individual. Very often our cities do not get the worth of their money when they make contracts for street lighting or paving, and our national post office annually spends much more than a private corporation would pay for the same service.

Governmental expenditures.

34. For what Our Governments expend Money. — All of our governments spend a billion and a half dollars a year. It cannot easily be realized how enormous that sum is. If it were paid in silver dollars stacked in piles, one hundred and forty in a pile,

it would cover a floor as large as that of St. Peter's Church in Rome, the largest building in the world. Nearly one half of this immense amount is expended by Congress, which decides how much money the national government shall raise and expend every year. Over one hundred millions each goes for pensions, war appropriations, naval appropriations, post-office expenditures, and for the salaries of government officials and employees.

Items of national expense.

More than one half of the other expenditures of our governments are made by the cities, which are obliged to make costly improvements. Of the nine hundred millions spent annually by our state and local governments, by far the largest item of expense is that of the public schools, which cost us more than two hundred millions annually. The maintenance of a police force, of police courts, and of institutions for the punishment of criminals show that a large sum must be paid to preserve order, especially in cities. When we add to these items the cost of immense sewer systems, a vast network of water pipes supplied by large reservoirs, the cost of street paving and lighting, the expense of a fire department, and of a system of city parks, we readily see that the city governments are particularly expensive.

The cost of city government.

A part of these expenses is in the nature of an investment, as when, for example, a new city hall is built, or new bridge constructed; but most of them must be classed as current expenses. Part or all of the cost of any investment may be met by borrowing money, but the money for the ordinary expenditures

Investments and current expenses.

must be obtained from the ordinary revenue, the larger part of which is derived from taxation.

Distinction between direct and indirect taxes.

35. Direct and Indirect Taxation.—We may classify all taxation as direct or indirect. When we go to the tax-collector's office and pay him the amount of the tax on our land, the tax is *direct*, but if an importer pays a tax on goods that he brings from abroad, and then adds the amount to the price of the goods, so that the one who afterward purchases the goods pays the tax, then it is *indirect*. When we speak of paying taxes, we mean paying direct taxes, for we may not know when we pay an indirect tax or how much of a tax we pay.

Why national taxes are indirect and local taxes are direct.

It is interesting to notice that our national government secures most of its revenue from indirect taxes, while most of the public money for state and local purposes comes from direct taxation. This is due to the fact that taxes on land and on other property cannot be assessed over an area larger than a state without taxing some states much more than others. On the other hand, if the border states might tax foreign imports as much as they pleased, it would be unfair to the inland states which could levy no tax of this kind, and would lead to the greatest confusion in the business world. Taxes on imports are therefore assessed by the national government. For these reasons, state and local taxes are usually direct, and national taxes ordinarily indirect.

Character and forms.

36. The General Property Tax is the chief source of revenue to the state and local governments, being

used as a local tax in most. Theoretically, it is levied on everything that possesses value, but in practice a great many articles escape taxation, as we shall see. It is customary to say that one part of the tax is that assessed upon real estate, *i.e.* lands and houses, while the rest is upon personal property, including house furniture, stocks of goods in stores, farm implements, horses and cattle, notes, bonds, and other forms of credit.

Statements and the assessment.

37. The Assessment of the General Property Tax.— In order to aid the assessors who determine the value of each man's property, every one that owns anything assessable is obliged to make out a written inventory of his property, with an estimate of its value. He must swear that this inventory, known as a "statement," contains a complete and correct list of all his taxable wealth. With these statements in their possession, the assessor and his assistants make up the assessment rolls, showing the total assessable value of property within their district, usually a town or some other subdivision of the county.

Exempted property.

Certain classes of property are exempt from taxation. In most states churches that are used exclusively for religious services are not taxed. Taxes are not paid upon school buildings or other public property. The list of exempted property often includes more than a tenth of all the property within a town or city.

Difficulties in assessing real estate.

38. Difficulties in assessing Property. — There are certain difficulties inseparable from the assessment of any property. The assessed value of real estate

must depend to a great extent upon the assessor's judgment, and, for that reason, it is difficult to secure a perfectly uniform assessment even by one man. But as no one person is likely to do all this work within a town, and as it would be impossible for one assessor to assess all of the property within a county, there is great danger that some individuals will be compelled to pay more than their share of the tax.

Difficulties in assessing personal property.

With personal property, much more trouble is experienced than with real estate. A great part of this form of wealth may be concealed easily, so that the assessors are ignorant of its existence. As a rule the inequalities of assessment of personal property, and consequently of taxation between man and man, are very marked. In many states little attempt is now made to search out these more "intangible" kinds of property, and the personal property tax law is practically a "dead letter." A large number of states are seeking to reach this form of wealth through other channels, as we shall see.

Qualifications of a good assessor.

It must be perfectly evident that we need capable and upright men as assessors. There are few parts of the government's work that can affect us personally so much as a just or unjust assessment of our property, and to protect ourselves, as well as our neighbors, every care should be taken in the selection of these officials.

County boards of equalization.

39. How Assessments are "Equalized." — In order to have the assessment of property in the different towns of a county as nearly uniform as possible,

county boards of equalization have been formed. The principal work of the boards is to decide whether the assessors of any town have been too lax or too strict. If they find that any set of assessors have assessed their town too low, the assessment is raised to correspond with the others. The assessments from the counties are treated in the same way by the state board of equalization, which considers evidence to determine whether the assessment throughout the state is uniform, and, if it is not, to make it as nearly so as possible.

State boards of equalization.

40. The Payment of Taxes. — When the boards of equalization have completed their tasks, the tax rate for the coming year can easily be ascertained. The amount of money needed to run the city or county has already been established, and when this sum has been divided by the total assessed value of property within the city or county, the rate of tax upon every dollar's worth of property is known. All taxes not paid before a certain day become "delinquent," and a penalty of from one to ten per cent, besides interest at a high rate, is added to the amount of the taxes. If still unpaid, the government for which the tax was assessed allows any one who will pay the tax to collect the amount, giving him what is virtually a first mortgage upon the property at a high rate of interest. Because of these rigid regulations, the prompt payment of taxes is customary.

The tax rate.

Delinquent taxes.

State taxes are never paid directly to state officials, but to county, or in New England to town, officials.

41. Observations upon the General Property Tax. —

The tax in agricultural communities.

The extent to which the general property tax is used must be taken as an indication of its value. Indeed, the tax is quite satisfactory in those communities that have no large cities, and none of whose people are especially wealthy in other things than houses and lands. Unfortunately, few of our states can be said to be of this class, for with the very great development of commerce and industry during the last two or three decades, some men have become very much richer than others. Our city population has meanwhile increased from one fifth to one third of the whole population. The present outlook is that the general property tax will be used much less by the state governments than formerly, although it is likely to be the financial mainstay of the localities for a long time to come.

The tax in industrial communities.

Objections to the tax.

The principal objections to the general property tax may be stated as follows: —

(1) It is practically impossible to discover and assess "intangible" property through this tax.

(2) As a result of this failure, the farmer and the poor man pay more than their share of the tax.

(3) Because of the difficulties of assessing it over a large area, it is not a good state tax.

Corporations and corporation taxes.

42. Corporation Taxes. — As the general property tax is being discarded for state purposes, its place is being taken by what are called corporation taxes. Most of our business nowadays is done by large companies which are incorporated under state laws and therefore called corporations. It is much easier to tax these corporations by compelling each corpora-

tion to pay a special tax on its stock, than it is to assess each stockholder for the stock in his possession, as is done under the older general property tax. Some states try to tax banks, insurance companies, and other corporations by making them pay a certain per cent of their profits. There is no doubt that this attempt to reach corporate wealth through the corporation is much more satisfactory and successful than to assess the same upon the individual who may hold stock or bonds issued by the company.

Poll taxes.

43. Other Forms of Local Revenue. — In addition to the general property tax, our towns, cities, and counties obtain large sums from poll taxes and licenses and from any business conducted by the governments. A poll tax is a tax of a fixed amount assessed equally on all men over twenty-one, and is therefore much more burdensome to the wage earner than to men of wealth.

Licenses.

In order to do business of certain kinds, licenses are required. The fee charged may cover simply the cost of making out the necessary papers, but frequently is a source of profit. This is especially true of liquor licenses, which in some states constitute one of the chief sources of local revenue.

Special assessments

The cost of local improvements is met usually, in part at least, by special assessments upon the property most benefited. In grading and paving a street, for example, the owners of the real estate on both sides of the street will be asked to pay for the improvement in proportion to the amount of their property.

44. Business Income. — Especially in cities, a part

Revenue from public utilities.

of the revenue is derived from business enterprises conducted by the government. Since many cities own their system of waterworks, the charges collected from the patrons add greatly to the municipal income. Where other public utilities are managed by the cities, as electric lighting, the municipal revenue is still further augmented. The net profit obtained from these sources is, however, likely to be small, as the business is usually conducted with a view of doing as much as possible for the citizens, rather than of making money.

The sale of franchises.

When the citizens allow private companies to furnish a supply of water, gas, or electricity, or to manage street railways, they give them permits or franchises.[1] The corporations often pay nothing for these, but the sale of franchises is even now a help in paying a city's expenses. As the people come to realize how valuable the franchises are, it is likely our cities will obtain at least a small share of the profit made by private water, gas, and transportation companies.

Why bequests are taxed.

45. Inheritance Taxes. — Nothing shows more plainly the duty of citizens to their governments for the protection afforded them in the amassing of wealth than the inheritance taxes. As the laws of the country make it possible for men to make great fortunes, and as but a small part of that property is repaid to the governments in the form of taxes during the lifetime of the capitalist, it is thought that when

[1] The student should distinguish carefully between business franchises and the elective franchise (§ 14).

he dies the public is entitled to a share of the wealth gained under its protection. The percentage of the bequests that come to our governments depends on two things: First, on the amount of the bequest. Small sums are rarely taxed and the rate increases with the size of the bequest, so that the tax on a bequest of $1,000,000 will probably be *twenty* times that on one of $100,000. Second, the rate is low for a wife and children, but higher for distant relatives, and highest for those who are not related by blood to the deceased. The highest rate paid out under the present national inheritance tax is fifteen per cent, but state taxes on the same bequests may more than double the amount.

What rates are paid on inheritance taxes.

46. Customs Duties. — Most of the revenue of the national government during the one hundred and fifteen years of its existence has come from duties on goods imported from foreign countries. Not all imports are taxed, however, and the rates on those that are dutiable vary widely, the tax often being greater than the original cost of the articles.

Free and dutiable goods.

The chief advantages of customs duties is that the tax is not felt by the person who eventually pays it, for the importer simply adds the amount of the tax to the cost of the goods, and the customer does not realize how much of a tax he has paid. Its chief disadvantage is that in times of prosperity, when national expenditures would naturally be light, the revenue from the tax is great, while in time of war, when expenditures are heavy, the imports of goods decrease visibly and the duties are correspondingly reduced.

Merits and demerits of customs.

Process at ports of entry.

47. The Collection of Duties. — These duties are collected at ports of entry located at convenient points along our boundary line. Each importer presents an inventory of his goods, and United States government officials decide what duty shall be paid. Importers naturally attempt to place low values on their articles in order to escape the tax, and the government tries to prevent this undervaluation by taxing such goods double rates.

Travelers.

Travelers returning from abroad are allowed to bring back $100 worth of clothing purchased in other countries, but must pay duty on everything else. The application of the customs laws to travelers leads to many annoyances and a large amount of petty smuggling.

Character of the tax.

48. Internal Revenue. — To-day the national government obtains as much money from internal taxes as from those upon imported goods. The rates are quite high, and the articles taxed include spirits, fermented liquors, and manufactures of tobacco. These internal taxes are especially valuable in time of war, because the rates may be increased, and other articles may be taxed, without interfering with business. During the Civil War and the Spanish-American War, Congress levied new stamp taxes on business operations, such as the drawing of checks, the making of notes, and the transference of property, as well as upon the different processes in the manufacture of various articles.

Collection of the tax.

These taxes are gathered by collectors appointed for that purpose and aided by secret service agents

who ferret out factories and distilleries that are run secretly. In the mountain districts of the South there are a great many small private distilleries run by "moonshiners," who are constantly having difficulty with the government officials.

Direct taxes

49. Miscellaneous National Taxes. — It was supposed when the Constitution was adopted that a large part of the revenue of the United States government would come from direct taxes levied upon the states in proportion to their population, but Congress has not seen fit to gain money by this means except five times, four of which were during the wars of 1812 and of 1861. Unlike the taxes upon imports or manufactures, Congress does not decide what the rate shall be, but ascertains the total amount of the tax, apportioning to each state its share.

Income taxe (historical).

As already stated (§45), there is a national tax on inheritances. During the Civil War taxes were levied on incomes also. In 1894 an attempt was made to levy another income tax, but the Supreme Court of the United States declared it unconstitutional, on the ground that it was a direct tax, which must be levied on the states in proportion to their population.

Bonds and how they ar sold.

50. Borrowing Money. — It is hardly possible that any government will borrow money to meet its regular expenses, although this is sometimes necessary. But when the national government is engaged in war, its ordinary revenue is insufficient. When a city builds a number of schoolhouses or a county erects a new court-house or a state constructs a great canal, it seems unjust to lay the whole burden of these

undertakings upon the taxpayers during the year or two in which the work is being done. In consequence, the government needing the money issues what are called bonds, which bear a certain rate of interest and are payable after a term of years, usually twenty or thirty. These bonds are sold publicly to the highest bidders. If they sell for more than their face value, they are said to be at a premium, if for less than the amount given in the bond, they sell at a discount.

Our public debts.

At present our national government owes about one billion dollars, for which bonds have been issued. More than one half of these bear only two per cent interest, and sell at a premium, showing that the credit of our national government is the best in the world. Our cities are in debt for almost as much, but they have property which usually exceeds in value the amount of the debt.

TEXT QUESTIONS

1. Why do our governments expend so much money?
2. What is the difference between "investments" and "current expenses"?
3. Why are national taxes ordinarily indirect, whereas state and local taxes are usually direct?
4. Is it more difficult to assess real estate or personal property? Why?
5. State the three principal objections to the general property tax, and explain each.
6. What are corporation taxes? On what are the taxes assessed?
7. Why is the net revenue from municipal enterprises likely to be small?
8. Are all of the local taxes direct? (Apply the definition of

a direct tax to each of those used by the local governments.) What is the best national tax under ordinary circumstances? in time of war?

9. Is it more difficult to assess general property than it is to determine the value of imports or manufactured articles subject to an excise tax? (Compare §§ 38, 47, 48.)

10. How does a government borrow money?

11. Explain the meaning of the following terms: "indirect taxation" (§ 35), "personal property" (§ 36), a "statement" (§ 37), "exempted property" (§ 37), "intangible property" (§ 38), "the equalization" of assessments (§ 39), "tax rate" (§ 40), "delinquent taxes" (§ 40), "net income" (§ 42), "poll taxes" (§ 43), "licenses" (§ 43), "special assessments" (§ 43), "public utilities" (§ 44), "bequest" (§ 45), "dutiable goods" (§ 46), "smuggling" (§ 47), "undervaluation" of property (§ 47), "moonshiners" (§ 48), "bond" (§ 50), "to sell at a premium" (§ 50.)

12. Explain what is meant by (*a*) "the personal property tax law is practically a 'dead letter'" (§ 38), (*b*) "the transference of property" (§ 48).

SUPPLEMENTARY QUESTIONS

1. For what does our city (or county) spend the most money?

2. What property does this city own? Is it probably worth more than the amount of the city's debt?

3. What is the chief advantage of indirect taxes? When may the fact that an indirect tax is not felt be a great disadvantage?

4. Is property in this section assessed at its real value, or is it greatly undervalued?

5. When are our taxes due? Is there a poll tax in this county?

6. What is the assessed value of property in this county (or city)? How much money does the county government raise by means of the general property tax? How do you find the tax rate? Find it.

7. Does our state devote most of its capital and energy to agriculture, or to manufacturing and commerce? To what extent is the general property tax used in this state?

8. What is a franchise? Explain how "the sale of franchises is even now a help in paying a city's expenses." (Consult § 103.)

9. Should not the *rate* of a tax be greater for a rich man than for a poor man ?

10. Why do the imports of goods decrease visibly in time of war ?

11. Little tricks of smuggling. (*Cosmopolitan*, XXVIII (1900), pp. 564–570.)

12. Moonshiners and their ways. (*Cosmopolitan*, XXIII (1897), pp. 127–134.)

13. What is meant by the Supreme Court's declaring the income tax of 1894 unconstitutional? (Consult § 187.)

14. Fill out the blanks in the tables below, obtaining figures from newspaper almanacs and from reports of local officials.

National Taxes

Name of Tax	Revenue from Tax during Year 190–
.....	.....
.....	.....
.....	.....
Total revenue	

Local Taxes (*City or County*)

Name of Tax	Revenue during Year 190–
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
Total revenue	

CHAPTER IV

THE PROTECTON OF INDIVIDUAL RIGHTS

Individual liberty in England and in the colonies.

51. Individual Rights in History. — In addition to the privileges which we have considered in the preceding chapters and the benefits which we enjoy under our governments as described in Parts II and III of this book, there are certain legal rights which are guaranteed to every citizen by the Constitution of the United States and by the constitution of the state in which he resides. Many of these rights constitute what we call "individual liberty," because the constitutions protect individuals from the governments. Some of them have a most interesting history, for they are the result of the struggle which took place in England and in the colonies between the kings and their representatives on the one hand and the people on the other. By centuries of patient effort did our ancestors secure these privileges which made the English-speaking people renowned throughout the world as a liberty-loving and a free people.

Importance of free speech and a free press.

52. Freedom of Speech and of the Press. — We cannot realize what it means to be able to speak and write freely our opinions on all subjects without danger of being fined or imprisoned. Neither can we appreciate the importance of having in this country newspapers which are allowed to print news regard-

ing public business, to explain the meaning of proposed laws, and to criticise public officials who do wrong. Very often our newspapers go too far. They search out the faults of those belonging to the opposite party and greatly exaggerate the failings of their opponents by word and by "cartoon." Yet it is true that there can be no free people without a free press, and we should be much worse off if our governments might suppress news and reports, as may be done in many foreign countries. Freedom of speech and of the press, moreover, does not mean that one person may maliciously injure the reputation of another, for that is *libel*, and is punishable in every part of the Union by imprisonment or fine.

Libel suits.

Religious freedom in history.

53. Religious Liberty. — It is no less difficult for us to understand that people have not always been permitted to hold what religious views they pleased and to worship God in their own way. Any other system is to us almost unbelievable, and yet we know that in past ages millions of people have suffered death rather than support a religion in which they did not believe, and that at present in some countries all people must contribute to a church designated by the government. It is eminently fitting that in this country, where religious freedom was permitted when restrictions existed everywhere else, our national and state constitutions should provide for the fullest liberty in religious matters. No government may dictate to any one what church he shall attend, or compel him to con-

The religious rights we now enjoy.

tribute for the support of any church, the establishment of state churches being everywhere forbidden. No person is disqualified from holding office or exercising legal rights because of his religious views, although a very few of the older states make belief in the Deity a requisite for holding certain state offices. Such practices as polygamy, however, are punished as crimes, even when permitted by a religious sect.

Freedom in our homes.

54. Personal Security. — Another of the guarantees which our constitutions give us is that of personal security. History records very many instances where people have been arbitrarily arrested and thrown into prison, their homes searched and their property seized. We cannot be arrested unless we are seen committing a crime, or unless some one will swear out a warrant for our arrest. Our homes cannot be searched unless we are accused of a specific offense. No soldiers can be quartered in our homes in time of peace without our consent, and we may keep and bear arms for our protection. If any one claims that we have committed a crime, the greatest care is taken to insure a just and speedy trial.

The jury in history.

55. The Rights of Jury Trial. — In England during mediæval times, the chief protection for persons accused of crime was their right to demand a trial by their neighbors. In other countries, judges selected by court favorites usually sentenced culprits. When we separated from Great Britain in 1776 and formed state governments, and afterward when we adopted a national Constitution (1787), care

was taken to see that no person accused of crime should be tried except by a jury. Most of us have probably been in a court room when a trial was going on and have seen the jury of six or twelve men who hear the evidence and decide whether the accused is guilty or innocent.

Rights before trial.

Not only may no person be convicted of crime without a jury trial, but no one may be held for trial unless he is accused of a particular offense. If the crime is murder, no person can be tried unless the charge against him is in the form of an *indictment* made by a jury which has examined the evidence.

Rights during and after trial.

Except for crimes punishable by death, the accused has the opportunity of offering bail, which is forfeited if he fails to appear on the day appointed for trial. If convicted, no unreasonable fine or punishment may be imposed upon him.

The work of the courts.

56. The Distinction between Civil Suits and Criminal Cases. — Having considered some of the *guarantees* placed in our state and national constitutions for the protection of individuals, let us notice the *process* by which the courts deal with cases which they are asked to decide. The courts aim to administer justice by considering all cases brought before them by some person or body of persons who claim to have been injured by the act of another. If the act is of such a character that it affects the general public as well as the party directly wronged, the act is considered a *crime*, and the people try to see that the guilty party is punished.

Criminal cases.

For example, if robbery, arson, and murder have been committed, the punishment of the offender could not wisely be left to private parties, however grievously they had been wronged. On the other hand, disputes over land titles, failure to pay promissory notes, or neglect to perform a contract, involve comparatively little injury to the public, and cases relating to these subjects are termed "*civil* suits." Civil suits.

57. The Beginning of a Civil Suit. — When a party begins suit against another before a court of law, he is known as the "plaintiff," the party against whom action is brought being called the "defendant." The first step is taken by the plaintiff in a paper called the "writ," in which are set forth the injuries alleged to have been done by the defendant. The defendant then makes a reply in which he presents his side of the case. Additional replies may be necessary to determine exactly what is in dispute between the parties. When these replies have been completed, the case is ready for trial in court. The parties and preliminaries.

58. The Completion of a Lawsuit. — Lawsuits are usually tried by judges, although in most of the states either party may claim the right of jury trial. Evidence is presented, first by the prosecution, the plaintiff's side, and then by the defense. Witnesses are called and examined by the attorney who brought them to court, and afterwards cross-examined by the opposing lawyer. Each side then has an opportunity to refute statements brought out in the latest evidence of the other, and for the arguments of the attorneys. The taking of evidence.

The decision.

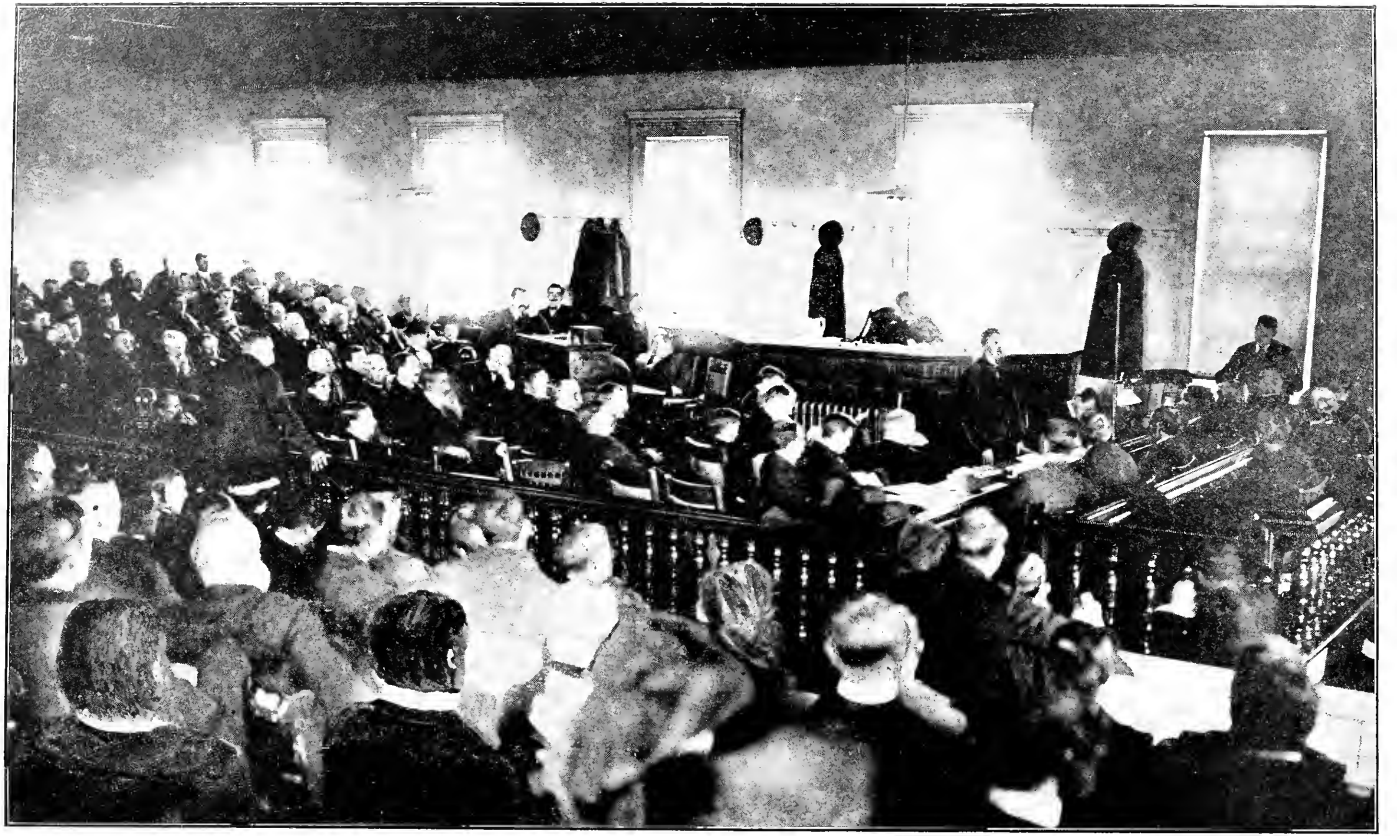
Last of all the judge or the jury decides the case. Two things are involved in the decision: (1) What are the facts in the case? Has the plaintiff proved his claim or has the defendant shown his statements to be true? (2) What is the law on the subject under discussion? Does it provide a remedy for the injury supposed to have been done by the defendant to the plaintiff? When there is a jury, the judge gives it his "charge," that is, explains what the provisions of the law are and what they mean. The jury then decides whether, according to the law, the defendant has done the plaintiff a wrong. If so, he is compelled to make suitable payment.

In what ways persons are brought to trial.

59. The Beginning of a Criminal Prosecution. — Persons suspected of having committed crimes are arrested upon warrants which state the cause of the arrest, or without warrants, if caught under suspicious circumstances. After a brief period in jail, they are brought to trial either upon an "information," a charge made against them by a public prosecutor, or upon "indictment," a formal accusation indorsed by a grand jury, the latter method being prescribed by many of the state constitutions if the accused is thought to be guilty of a felony, as a very serious crime is called.

The arraignment.

60. The Trial of an Accused Person is begun by reading in open court the charge against him and giving him a chance to plead guilty or innocent. If he pleads "not guilty" when asked, "Are you guilty or not guilty?", the court provides him with coun-



A Court-room Scene.

(With witness and jury at the extreme right.)

sel — unless he has already retained the services of a lawyer — and a jury is selected at once. Many citizens have already been summoned for jury service, and, as the names of these are drawn by lot, each is questioned by the attorneys for the state and the defense, in order to learn whether he has already formed an opinion regarding the guilt of the accused, or is biased in any way that would affect his vote on the final verdict. If objectionable, he is dismissed. When twelve men satisfactory to both sides have been selected, the prosecution calls its witnesses, and the trial proceeds in much the same way as in a lawsuit.

Selection of the jury.

When the evidence is all in and the closing arguments have been heard, the judge instructs the jury as to the law, and the jurymen withdraw until a verdict has been reached. If declared innocent, the accused is at once set free; if found guilty, his lawyer will probably appeal the case to a higher court, or ask for a new trial; and, if the jury disagree, he will be held for another trial, as legally no trial has taken place.

Verdict of the jury.

If guilty, sentence is pronounced by the judge, usually without delay, the court having discretion as to the advisability of giving the convicted party the maximum or the minimum punishment provided by the law for crimes of that class.

The sentence.

61. The Jury System. — Juries are of three kinds. (1) Grand juries, which are composed of from twelve to twenty-three men, hold secret sessions, and either investigate the causes of crimes that have been com-

Three kinds of juries.

mitted, bringing indictments against those they believe guilty, or investigate the condition of the departments of government and their expenditures of money. (2) The petit or ordinary jury of twelve men settles most civil disputes and decides criminal cases. (3) The police jury consists of six men and determines the guilt or innocence of persons accused of committing misdemeanors, that is, minor crimes.

Who may serve on juries.

Only citizens are allowed to sit on juries. On account of the inconveniences of jury service, practically all professional men are exempt by law from jury duty, and, on account of the annoyance caused by being taken from their business, most of the other prominent men of the community shirk jury duty as far as possible. In some states juries are "drawn" from a list of those subject to service, and a summons served upon those chosen to appear at court on a certain day. In other states jurymen are selected by jury policemen who serve the summons on those whom they find on the streets or at their places of business.

Advantage to the person on trial.

62. The Advantages of Jury Trial. — Juries are an advantage both to the accused and to the jurymen. To the former, because the facts connected with his guilt or innocence are viewed from the standpoint of common sense rather than of law. The jury disregards technicalities, but places the emphasis upon the right or wrong involved. It takes into account the circumstances, the motive, and the consequences, so that if it errs at all, it errs on the side of leniency.

To the citizen, the jury gives opportunity for civic

education. It brings him into touch with the work of administering the law, and makes him part of it, and, in so doing, gives him clearer conceptions of legal rights and methods, and fits him to exercise his duties as a citizen with greater knowledge and to better purpose.

Benefits to jurymen.

63. The Disadvantages of Jury Trial. — The main question is whether these advantages are worth what they cost, whether they apply to all forms of jury trial, and whether they are not, after all, but partially secured on account of the numerous exemptions from jury duty. Certain it is that the exemption of professional men, and the frequent refusal of attorneys to accept as jurymen men who have formed opinions regarding the case to be tried, have given rise to a popular belief that only the ignorant are desired as jurors — a belief not well founded in most localities. In any civil case involving knotty problems of law, the ordinary juror is almost of necessity incompetent to render a just decision, while in a lawsuit or criminal case where a strong appeal can be made to the emotions or to prejudice, the jury is likely to be unduly influenced in its verdict. The fact that a lawyer who has a weak case almost invariably asks for a jury trial is an indication that the jury errs often on the side of leniency. In short, unrepresentative of the communities as our juries must be under present conditions, they often defeat the ends of justice, in civil suits, through their ignorance, and in criminal cases, through their prejudice.

Abuses and defects.

TEXT QUESTIONS

1. Give the most important personal rights enjoyed under our constitutions.

2. How does the public seek to protect the rights of a person accused of crime ?

3. What is the distinction between a civil suit and a criminal case ?

4. Describe the process in a civil suit.

5. What is the difference between an "information" and an "indictment" ?

6. Give the kinds of juries, with the duties of each.

7. How does "the jury give opportunity for civic education" ? (§ 62.)

8. Why is a juryman often unable to render a just verdict ?

9. Explain the following words or expressions : "individual liberty" (§ 51), "libel" (§ 52), "state churches" (§ 53), "bail" (§ 55), "plaintiff" (§ 57), "defendant" (§ 57), the "prosecution" (§ 58), "appeal" (§ 60).

SUPPLEMENTARY QUESTIONS

1. Give the provisions of our state constitution regarding religious freedom, freedom of speech, and right in trials.

2. Name the most important rights mentioned in the first eight amendments of the United States Constitution.

3. Look up Mr. Bryce's discussion of state bills of right in his "American Commonwealth," abridged edition, pp. 307–311.

4. How are jurymen selected in this locality ? Do they serve without pay ? Who are exempt from jury duty ?

5. Do the advantages of the jury system outweigh the disadvantages ?

6. Can the jury be improved ? (*Munsey's Magazine*, XXIX (1903), pp. 723–726.)

PART II

STATE AND LOCAL GOVERNMENT

CHAPTER V

THE PROTECTION OF THE PUBLIC

State and local government part of the same political system.

64. The States and the Localities. — In Part II of this book we shall study the state and local governments of this country together. It may appear strange at first that governments that seem so dissimilar as those of our states and those of our cities or counties should be treated under a single head. Yet it will be perfectly apparent before we finish the study of Part II that the local governments and the central governments of our states are but parts of a single system of government. For instance, there is but one constitution for our state and that constitution regulates local as well as the "state" government. The laws of our state are practically the same in one county as in another. Why? Because all these laws are made by our state government and our local governments cannot change them, neither can they pass any additional ones except on matters of purely local interest. Why then do we have local governments at all? For two reasons:

Reasons why we need separate local governments.

(1) the state laws can be carried into effect better by local officials than by state officials, because the former have only a small territory to look after; (2) because purely local business of no interest to those outside of a particular district, such as locating and paving roads, providing protection from fires and constructing bridges, makes it necessary to have *local* governments.

Comparison with national government.

65. Importance of the Protection afforded by Local Government. — There can be no doubt that the most essential duty of government is to protect its citizens. If foreign powers injure our commerce abroad or interfere with our business at home, our national government is not giving us proper protection. And yet, the greatest dangers that threaten us and our neighbors are not those foreign foes with whom our national government will wage war when necessary for our defense. They are the perils that arise from the presence of deadly diseases, losses by fire, and worse than all else the destruction of life and property by those willing to break the law. Protection from alien enemies is a thing of rare occasions, protection from these nearer dangers is an everyday necessity.

In the country.

66. The Preservation of Order is left with the local governments, which must support officials whose chief duty is to keep the peace. Since no state police is maintained by the state governments, it is a matter of pride to each locality that the law shall be enforced and order maintained within its limits. This is a comparatively easy task in rural communities under ordinary circumstances, unless public senti-

ment is on the side of the lawbreakers. In the cities a somewhat different state of affairs exists. Not only is a larger percentage of the population careless about obeying the laws, but large numbers of criminals prefer to live in the most crowded parts of the cities, because it is easy to escape detection in a multitude. In cities.

67. Peace Officers and their Duties. — The organization of the city police force is necessarily much more complete than that of a town or county. Each county has a *sheriff*, who is chosen by popular vote. He may have several deputies to aid him and can, in times of great disturbance, call on citizens to help in suppressing disorder. The town officers of the peace are usually called *constables*, and have no assistants, except men who are engaged regularly in some other occupation. In the cities, on the contrary, the *chief of police* has under his supervision numerous day and night policemen who patrol regular routes or "beats." New York alone in 1900 employed nearly eight thousand policemen, organized in a well disciplined force on a semi-military basis. Chiefs of county, town, and city police.

The chief duty of a police officer is to arrest offenders. Legally, this may be done only when the officer sees the offense or has a warrant authorizing the arrest of the person seized. Actually, a great many arrests of "suspicious characters" are made without authority, the suspect being dismissed, if after questioning he can satisfy the authorities that he should not be detained. Many minor duties also fall to the lot of the city policeman, especially those Numerous duties of police officers.

relating to nuisances, street obstructions, and excise laws.

Where criminals are punished.

68. The Punishment of Offenders. — Persons accused of crime are imprisoned in town or city jails, unless they give bail that they will appear for trial. If convicted of the crime for which they were held (§§ 59–60), they are placed in prison, or, if the offense is not a serious one, are allowed their freedom on payment of a fine. Those who are sentenced for short terms may be kept in city jails or county penitentiaries, but persons guilty of felony, as a serious crime is called, are sent to state prisons, hence the saying "a state's prison offense." The object of imprisonment is not to avenge ourselves on the guilty man, but to deter others from committing similar offenses. There is no doubt that the swift and severe punishment of train robbers, for example, will do very much to prevent the holding up of trains. It is the aim of our governments, therefore, to use those methods which will reform the offender at the same time that the amount of crime in the community is diminished.

Purpose of imprisonment.

Character of employment given to criminals.

69. Prison Methods vary greatly from state to state and vary almost as much in the institutions of any one state which are intended for different classes of offenders. Employment is given to prisoners except in rare cases. Ordinarily this is inside the institution, but frequently chain gangs from the local jails are sent out every morning with armed officers, and kept at work on highways, or employed cutting wood or breaking stone. In some states all criminals are

"leased" to contractors, who pay a certain sum per head for their services and have absolute control over them.[1]

Prisons for first offenders.

In a large number of the states special prisons are set aside for young men who have not previously been imprisoned. To these prisons the offenders are committed for an indefinite period, for example, not less than one year nor more than three, the prison authorities deciding at the end of the first year whether it would be wisest to release the prisoner without further punishment.

Reduction of sentences.

The discipline in all of these institutions is of necessity fairly rigid, but a premium is placed on good behavior, as sentences may be reduced from ten to thirty per cent for satisfactory conduct.

Purpose and methods of these schools.

70. Reform Schools for juvenile offenders are found in almost every part of the country. As the name implies they are really schools which seek to teach those under their supervision a better way of living. Many of the inmates of these institutions are youthful criminals, others are homeless lads that have annoyed citizens by continued and malicious mischief, while still others are unruly children over whom their parents have lost all control. In the schools, by means of strict discipline, by training the boys and girls to use their minds and their hands to advantage, and by teaching them self-control and the rights of others, an earnest and fairly successful attempt is

[1] The "lease system" has given risen to great abuses in the treatment of the prisoners, and is therefore less used than was formerly the case.

made to change them into useful citizens. When they leave, the school authorities often secure for them good positions and watch their progress with great interest.

Suppression of ordinary riots.

71. The Suppression of Riots. — In most communities there are some persons who are glad of an excuse to be lawless. At times, especially during strikes, a number of these will get together and destroy the property of the employers and commit other acts of violence. This rioting may be suppressed by the local police force or by the sheriff and his regular assistants. In at least one instance the attempt to prevent a threatened outbreak resulted in very great loss of life among the guardians of the peace. In 1886 the police of Chicago attempted to disperse a large number of men who had gathered in Haymarket and were being incited to acts of disorder. While doing this, a bomb was thrown in their midst by some anarchists in the crowd, over fifty policemen being killed or wounded. The mob was finally dispersed, and several of those engaged in the plot to kill the police were afterwards tried in the courts and condemned to death.

The Chicago Haymarket riot (1886).

How serious riots are checked.

Although the police officers use every means to prevent an outbreak in times of excitement, they frequently find that the ordinary force is unable to quell the disturbance. Then the sheriff summons a *posse comitatus* — a body of armed men made up of law-abiding citizens — or the governor of the state is requested to call out the militia — a military organization under the supervision of both the state and the

national governments. Even these military companies cannot always hold the rioters in check and the President of the United States may be obliged to send the regular troops to the scene of conflict. The worst cases of rioting have yielded promptly on the arrival of the regulars.

Lynching mobs.

The most dangerous mobs are those composed of ordinary citizens who insist on lynching criminals. Carried away by their feelings, they ignore the fact that "lynch law" is unjust to the accused — denying him a fair trial — and forget that crime cannot be prevented by lawlessness. In the case of lynching, the remedy is certainly worse than the disease.

Precautions taken to prevent fires.

72. Protection against Fire. — Far more property is destroyed by fire than by all other agencies, the annual loss from that source being $150,000,000. With houses close together, as in cities, and great danger that a fire in one will be communicated to the next, building laws are necessary to prevent fires altogether, and fire departments equipped with modern apparatus must be maintained. If most of our buildings were constructed of brick or stone, as in Europe, nine tenths of the risk would be removed. As it is, there is usually a "fire limit" within which wood may not be used for construction. Permits are required before any building is erected or an addition made, but our laws are lenient and laxly administered, and in many cities our fire departments are totally inadequate to the needs. In 1871 the business sections of Chicago and Boston were practically destroyed by

Great historic fires.

fire, and in 1904 a large part of that in Baltimore suffered similar loss. In 1904, also, nearly six hundred people lost their lives in the Iroquois Theater at Chicago because the fire rules of the city had not been properly enforced. Although we have nowadays well-trained and adequately paid fire companies, instead of the volunteer organizations which did service a half century ago, they are in many cases unable to cope with this destroying element, and the losses from fire have been and continue to be unnecessarily large.

Dangers to health.

73. The Need of Health Officers. — For their own comfort and welfare, most persons desire to be in as good health as possible and are likely to take every reasonable precaution against disease. They will probably see that the plumbing of their homes is good, and that filth does not accumulate on the premises. But their neighbors are often careless, and, especially in large tenements, their landlords may refuse or neglect to keep their buildings in good condition. For the purpose of protecting the health of the community, health officers and boards of health are maintained by all cities and by many other local governments. The board of health has the power to adopt rules which shall prevent contagious diseases from spreading and shall as far as possible keep their locality free from disease. These rules are enforced by the health officers, who are ordinarily physicians of extended experience.

Health officers.

74. The Work of Boards of Health. — One of the

most necessary precautions taken by boards of health is that of quarantining or isolating persons with contagious diseases. At all seaports incoming vessels are examined, all of the passengers being detained if any of their number have been attacked on the voyage by a dangerous contagious disease. When similar cases occur in cities, the sufferers are taken to isolated hospitals or are quarantined in their homes. These wise precautions have prevented in recent years the epidemics that were common a generation or two ago. Protection against smallpox has been afforded by compulsory vaccination, while yellow fever has been kept from spreading by the wholesale destruction of mosquitoes in neighboring lowlands, it having been proved that those insects were chiefly responsible for the spread of the latter disease.

Methods used to prevent the spread of disease.

75. The Public Health is protected, in addition, especially in cities, by the making and enforcement of rules which guarantee good sanitation and pure food and water. Immense sewer systems are constructed at great expense, the sewer refuse being used occasionally, as in Pasadena, California, on a farm owned and managed by the city. But because of deadly sewer gas the existence of sewers is a menace rather than a benefit if the plumbing of the buildings is defective. Every city, therefore, has certain plumbing laws which inspectors are required to enforce. In crowded tenements not only plumbing laws are necessary, but other building rules, such as those requiring large light and air shafts.

Sanitary regulations.

In the older tenements the lack of these necessaries was often responsible for the large number of deaths among children.

Care of water supply.

Whether a city furnishes water to the residents from public reservoirs or allows private parties to provide the water supply, it is careful to prevent the taking of water from all but the purest sources. Large sums are spent annually for this purpose, but much yet remains to be done, especially where cities are close together and the supply of one is contaminated by the refuse of another.

Inspection of food.

Food inspection is becoming quite common nowadays. The milk which we use must not only be free from impurities, but must be of a certain quality. Meats, fish, and fruit are likewise examined and condemned if unfit for use, so that we can easily perceive that our governments are very active in their efforts to preserve the public health.

How public sentiment helps to make and enforce laws.

76. Protection through Public Opinion. — The best safeguard of any community is a widespread and earnest desire for the preservation of order and the enforcement of just laws. We should remember to obey the laws, not only when a law is wise and just, but when it is unreasonable or foolish, for a bad law will soon be repealed if strictly enforced. In a republic like the United States, it is safe to say that in general those laws will be made and executed which the people demand. If in any section there is persistent lawlessness, the true cause of the continued disorder is likely to be popular indifference or opposition to the laws. When the majority of the best

citizens insist that order be maintained, lawbreakers will be dealt with in such a way as to discourage further rioting. To feel that something must be done is not enough; we must act if we would be free from lawlessness. Organization may be necessary. Pronounced and continuous expression of public sentiment will do a great deal, and, if the disturbers of the peace realize that the people are in earnest, the disorder will cease.

What public sentiment is.

In the formation and expression of public opinion each one of us may have a part, for public sentiment is after all that of ourselves and our neighbors. We cannot shift the responsibility which rests on us as members of the community to place ourselves squarely in favor of law and order and to exercise the influence we may have in favor of the right.

TEXT QUESTIONS

1. Why do we need local governments?
2. Why is protection by our local governments more necessary than that afforded by the national government?
3. Name the different local peace officers. Give the duties of any policeman.
4. What is the object of punishing criminals?
5. What work is done by reform schools?
6. Give some of the different causes of rioting.
7. What is meant by the militia? (Consult also § 195.)
8. Are the dangers from fire due principally to the lack of proper laws or the failure to enforce existing laws?
9. Summarize the work done for the protection of the public health by city officials unconnected with the health department.
10. Explain the following words or expressions: "beats" (§ 67), "suspicious characters" (§ 67), "excise laws" (§ 67), "a state's prison offense" (§ 68), "chain gang" (§ 69), "school

authorities" (§ 70), "militia" (§ 71), "the regulars" (§ 71), "lynch law" (§ 71), "fire limit" (§ 72), "contagious diseases" (§ 73), "quarantine" (§ 74), "food inspection" (§ 75), "light and air shafts" (§ 75).

SUPPLEMENTARY QUESTIONS

1. How many policemen are employed by this city?
2. What are the duties of the police force?
3. The police of New York. (*Outlook*, LX (1898), pp. 581–589.)
4. How many prisons are there in this state? Where is each located?
5. Farming out convicts. (*Frank Leslie's*, LIII (1902), pp. 595–606.)
6. Have we any state reform schools, or reform prisons for young men?
7. On the success of reform schools, see *Forum*, XXXII (1902), pp. 730–736.
8. What methods are ordinarily used in suppressing disorder? (Hart, "Actual Government," § 252.)
9. What fire apparatus and devices are used for checking fires in this city? (Notice what is done from the time the alarm is sent in until the fire is out.)
10. Methods of fighting fires. (*Scribner's Magazine*, XXXII (1902), pp. 449–466.)
11. Have we a city board of health? A city health officer? Milk and meat inspectors?
12. A city's campaign for pure milk. (*Century Magazine*, LXVI (1903), pp. 555–565.)

(In this chapter and in subsequent chapters, some questions will be asked which will interest city pupils only.)

CHAPTER VI

OUR PUBLIC SCHOOLS

77. School "Districts." — No part of the work of government is better understood than that of education at public expense, and yet many people imagine that the regulation of schools is solely a matter of local government. This is not the case, for although the *management* of the schools is left with local school officials, and the character of the schools depends to a large extent on local pride and interest, nevertheless, our local schools are simply parts of a *state* school system.

Local schools as part of a state school system.

For convenience the counties are subdivided into school "districts," which may be very small or may be as large as townships. If there are few people living in this district, there is likely to be but one school, in which instruction is given by one teacher in all branches from elementary spelling to higher arithmetic. Where there are a larger number of pupils in a district, there are more schools, some of which will be divided into grades, each with a teacher of its own. It can easily be seen that it is possible to do better work in graded schools, because more time can be spent on each recitation. If there are enough schools in the district, moreover, the people can afford to employ a superintendent who will devote

Large and small districts.

his time to improving the schools in his charge. For these reasons, intelligent people favor fairly large school districts with many schools under one management.

Selection of school trustees.

78. Local School Boards. — As with any other business, there must be some person or persons who will manage school affairs. Because the cost of maintaining the schools is met by the public, the members of the school board are chosen at public elections, at which all men and often all women may vote. The members are usually called school trustees or committeemen, and are often three in number, one retiring each year in order that two members of the board may be fully acquainted with the needs of the schools.

Duties of the trustees.

These trustees select the teachers for the schools, employing them for terms of one year. As the character of the teachers has a greater influence on the school system than all other forces combined, the selection of strong, well prepared, and skilled teachers is quite essential, if good work is to be done. The trustees also hire the janitors, and purchase school supplies such as crayons, paper, and fuel. In doing this they necessarily look after school expenditures. They may also construct additional rooms, when these are needed, and erect new buildings, but as this requires more money than they ordinarily have in any one year, they are obliged to ask for additional funds, which must be voted for them by the people. In addition, the school board makes rules for the management of the schools, purchases books for the

school library, and may decide what text-books shall be studied. The excellence of the schools therefore depends to a large extent on the wisdom or broad-mindedness of the trustees, who receive no pay for their services.

79. School Courses. — In the schools below the grade of high schools, the subjects taught are much alike in all parts of the country, but the methods used vary greatly from state to state, and may differ somewhat in adjacent districts or schools. As already stated, the methods are likely to be superior in the more populous districts where superintendents devote special attention to examining the schools and abolishing defective methods. When there are special teachers in the different branches, as in many large cities, the work is better done in the subjects to which special attention is thus given. In the cities, also, it is possible to have, in some of the buildings, special rooms devoted to manual training, including cooking and sewing, so that the pupils get some instruction in those subjects as well as in the more substantial ones of arithmetic, grammar, spelling, geography, and history. The advantages are, however, not always with these schools, for, as in everything else, it is not the variety of the tasks accomplished, but the quality of the work done, that is of value to the pupil.

Regular courses and special subjects.

A minimum number of months is usually prescribed by state law, so that all schools are in session for a large part of each year. A minimum list of subjects is also likely to be given in the school law of the state.

School year and required instruction.

County school boards and superintendents.

80. State and County School Officials.— In each county there are usually a great many school districts, each of which has its own trustees and separate school management. But in order that the schools in the different districts may be as much alike as possible there is ordinarily a county school superintendent and a county board of education. The county board may examine persons who desire to teach, issuing certificates to those that pass the examinations; it may provide a uniform course of study for all schools in the county, and it may even raise money which is distributed among the districts. The county superintendent sees that the rules made by the county board are obeyed, visits schools, and looks after other school business. In a few of the states there are no districts smaller than the counties, the county being really the school "district."

State boards and superintendents.

In most states there are state superintendents of public instruction who visit the different counties, examine schools, and attend to the state school business. There are often state boards of education which propose necessary changes in the state school law, and adopt other methods for improving the school system. In a few states provision is made for state text-books, published under the direction of the state board by the public printer, or selected by the board from the regular text-books. In nine states text-books are furnished at public expense.

City and union high schools.

81. High Schools. — Until recent years it was thought that if the public gave a free common school education, parents desiring more extended training

for their children could afford to pay for it. Consequently most of the high school pupils were taught in private academies. There is not now however a large city which fails to support at least one high school, and, not only do the villages have separate secondary schools, but there are numerous union high schools whose expenses are paid by the rural districts which have united for that purpose. In many cities, moreover, technical high schools have been erected in which instruction is given in many practical branches.

Their work and methods.

82. Normal Schools.— In many states normal schools, supported by state appropriations, prepare young men and women for the profession of teaching. Special training is given not alone in the subjects likely to be taught, but in the methods to be used in all teaching and in those theoretical subjects which will best prepare the future teachers for their work. Those schools are, as a rule, well equipped, and because of the very high grade of their work, are doing much to raise the standard of efficiency among the teachers of the country.

Teachers' certificates.

Diplomas issued by normal schools entitle the graduates to teach in any part of the state and are usually accepted in other states as evidence of fitness to teach. Persons who desire to be teachers and who have had no normal school instruction are usually required to take examinations before they can obtain certificates.

Agricultural colleges.

83. State Universities.— Many of the states provide no public instruction above the grade of the normal or high schools except in agricultural schools which are

really supported by the national government. By a law passed by Congress during the year 1862, thirty thousand acres of public land were given to each of the states for every congressman to which the state was entitled, the proceeds arising from the sale of these lands being devoted to agricultural education. In addition to these gifts, Congress now appropriates annually $25,000 for each of the agricultural colleges and $15,000 for each experiment station maintained in connection with the colleges for the scientific study of plants in special localities.

State universities.

The state universities to be found in many of the southern and western states are among the best in the land. The number of courses offered is exceedingly varied, and instruction is often free for those students who live within the state. Many of the universities have rendered especially valuable service to the cause of education by aiding the grammar and high schools, and by introducing better and more uniform methods in local education.

School taxes.

84. School Finances. — The great development of our public school system demands an immense sum every year. Most of this revenue comes from taxation, the tax being usually levied in connection with the general property tax (§36). In most of the states these taxes are purely local, each community raising as much money as it feels that it can afford or as the schools need. In many states, however, part of this revenue is collected by the localities and part by the state. The state school funds are then distributed to the townships or counties in proportion to the num-

ber of scholars in each who attend school regularly. In this way not only is help given to the poorer districts and to those which are most earnest in their school work, but a higher standard is maintained throughout the state, because occasionally school money can be withheld until that standard has been reached.

Income from school lands.

Popular interest in education and desire to have the best schools obtainable has undoubtedly been quickened by the aid given by Congress to the newer states. Ever since 1802 Congress has given as the basis of an educational fund to each of these states on its admission to the Union one square mile of each congressional township, which is six miles square (see § 228), and since 1848 two sections.

Three reasons why the public supports schools.

85. Why Education is at Public Expense. — There must be very good reasons why all of this public expenditure is made for schools which might be maintained by private parties. In the first place, it is thought that this subject is too important to be left in the hands of those whose interest in the matter would depend on the profit they would derive from it. We believe that there must be a fairly uniform system of schools. In the second place, we believe that no one can fully enjoy the right to "life, liberty, and the pursuit of happiness" who has not received a fairly good common school education. Since we became citizens of this country simply by being born here, the State — that is, the whole body of citizens — owes us as individuals an education which will fit us for the duties of citizenship. Thirdly, and much the most important of all, the government must provide educa-

tion at public expense and see that all shall procure it, even when it is distasteful, because in a country such as ours, governed by the people, ignorance is a menace not only to our prosperity but to our preservation. In other words, public education is a means of public protection — it is the ounce of prevention.

TEXT QUESTIONS

1. What are the advantages of large school districts over small ones?

2. Why do the local trustees exert very great influence on the school system?

3. Name all of the *grades* of schools maintained at public expense.

4. What has been done by the national government for education? (Consult also § 230.)

5. Why is education at public expense?

6. Explain the following expressions: "manual training" (§ 79), "technical high schools" (§ 81), "experiment station" (§ 83), "agricultural education" (§ 83), "congressional township" (§ 84), "state school funds" (84).

SUPPLEMENTARY QUESTIONS

1. What are the boundaries of this school district? How many schools are located in it?

2. On the prevalence of the small district system, consult Butler's "Education in the United States," pp. 7–11.

3. How many members are there on our school board? Do all go out of office at the same time? Is it the custom to reëlect these officials?

4. Who issues teachers' certificates?

5. How have rural schools been consolidated? (*Review of Reviews*, XXVI (1902), 702–710.)

6. What do the public schools do for the country boy? (*Review of Reviews*, XXVIII (1903), 449–455.)

7. Industrial education in the South. (*Harper's Magazine*, CVII (1903), pp. 659–667.)

8. Have we a county school board and a county superintendent?

9. Have we free text-books in this state?

10. What are the duties of our state superintendent of public instruction?

11. If there is a state board of education, learn how it is composed and what work it does.

12. The work of a modern public library. (*Review of Reviews*, XXIX (1904), 702–708.)

13. Have we one or more high schools in this district?

14. How many normal schools are there in this state?

15. Does this state support a state university? If so, learn where it is located, and to how many pupils instruction is given.

16. Our state universities. (*Outlook*, LXVIII (1901), pp. 768–774, *Scribner's Magazine*, XXXIV (1903), pp. 481–490.)

17. State the principal problems of education. (Hart, "Actual Government," § 238.)

CHAPTER VII

PUBLIC CHARITIES

Features of the problem.

86. The Problem. — There are in every community certain persons who are unable or unwilling to provide for themselves. Most of these have relatives who see that they are provided with a home and the necessaries of life. The rest are a burden on society in general, and must be supported by private charity or at public expense. The first duties of the public are to separate them into classes according to their disability, to distinguish between the deserving and the unworthy, and to provide suitable help for those who may be entitled to receive it. These tasks constitute a problem of no mean proportions; for although we may easily determine what classes deserve aid and which ones punishment, the separation of those who are worthy from those who are not is sometimes impossible. An impostor may remain long undetected and have become a social parasite, whereas funds may be withheld from needy families. There may also be very great difference of opinion about the best way of aiding any particular class of dependents. Especially is this the case with the most general problem of all — the question of public or private charity.

Working out the problem.

87. Public or Private Charity. — We do not question the justice of the doctrine that these unfortunates

should be a public charge. Society is a unit, and we believe that society is under obligation to care for its poor and for those to whom nature has denied some faculty, just as a family is expected to provide for those of its members who are unable to care for themselves. This does not mean that most of the expenditures for charitable purposes should be made through government officials, for every one admits that private organizations can often much more easily learn whether those applying for help are deserving. In fact, so often have overseers of the poor been imposed on by applicants for help, that government now does little more than care for those dependents who live in institutions. Most forms of "outdoor relief," that is, assistance to those living in their homes, are given through charitable organizations unconnected with government. With these private agencies which have such an important work to perform, we have in this chapter nothing to do.

Why the public should care for dependents.

What charities are left to private parties.

88. Care of the Insane. — One class of dependents whose care is left to the government exclusively is that of the insane. Our government performs this task, not only because it is a necessary charity, but, as many insane people are dangerous, for the sake of protecting the public. No person is, however, placed under the control of government officials until he has been examined and declared to be of unsound mind. Otherwise it would be possible for people that wished to be relieved of some eccentric relative who was perfectly sane, to have the latter placed under restraint.

Why insane persons are a public charge.

Treatment of the insane.

Public care of the insane varies greatly from state to state. Many of the states compel each locality to look after its own, insane persons being left in poorhouses where they are systematically neglected or even maltreated. In other states, the most violent patients are sent to state institutions, the others being placed in local asylums. A few states care for all persons of unsound mind in state hospitals, which are worthy of the name, for insanity is regarded as a disease, and the patients are treated not as criminals to be punished, but as mental invalids to be cured.

Schools for weak-minded children.

Many states now have state institutions for weak-minded children, schools being maintained with an idea of training them to do well a few mechanical duties and of developing in them a stronger mentality.

Special institutions for the blind, deaf and dumb.

89. Schools for "Defectives." — Special provision is made in most of the states for the education of those deprived of some sense, as that of sight or hearing. Although these "defectives" may not be prepared for a full measure of the activities of citizenship, this education certainly opens to them many of the enjoyments of life of which they would otherwise be deprived by their infirmity. The equipment furnished, the methods used, and the instruction given, in these schools usually are of a high character, and the work done is as noble as any undertaken by our governments.

Poorhouses and poor farms.

90. Institutions for the Poor. — Very much the largest number of those dependent on the public for charity become public charges because of their poverty. The character of the help given to the poor

depends on the degree of their need. If they are not only destitute but also aged or infirm and without relatives to whom they may look for support, they must be placed in public institutions. Few indeed are the localities that have no poorhouse, the care of these classes being left entirely with the local governments. In the northeastern part of the United States it is usually the towns which care for the poor, but in other parts of the country the counties must assume this duty. In a few poorhouses, those capable of working are compelled to contribute something toward their own support. Often poor farms are maintained, which are run without help from outside, so that the institution is largely self-supporting.

Children's homes.

Many of our cities have public institutions for homeless children. These homes give instruction in elementary branches and perform a valuable service to society in keeping the little ones away from influences under which they would soon develop into criminals.

Ordinary forms of outdoor relief.

91. Outdoor Relief is often granted by the overseers of the poor to those not destitute but needy. The chief danger of this entire system of relief is that it is likely to increase the poverty it is supposed to alleviate, because shiftless individuals will look to the government for help, when they should support themselves. For a few people most of the time, and for many people part of the time, some assistance of this kind is necessary. Provisions, clothing, and fuel are the articles most commonly

furnished, much more being done in winter or when work is scarce than at other times. A few cities have established public lodging houses, wayfarers being furnished with beds for the night in return for a reasonable amount of work. Sometimes temporary employment is furnished through the government to those in great need, or in order to rid the community of those tramps who will leave if forced to find employment. It can be seen readily from this account of outdoor relief that very great wisdom is necessary to prevent the squandering of public money, and to help the proper persons in the right way. For these reasons most of the outdoor relief is left to private organizations, whose officers have more leisure than the public officials, and to which grants of money are often made from the public treasury.

Relief of special classes.

Difficulties encountered.

Care of the sick poor.

92. Hospitals and Dispensaries. — There is perhaps no set of persons so deserving of sympathy and help as the sick poor. Needing skilled care, delicate food, and expensive medicines or still more costly surgical attention, they are unable to protect themselves against the ills which if unchecked will cause death or a life of unending pain. For the care of such unfortunates, public hospitals are maintained in most cities and by many counties and towns. Physicians and nurses are paid by the public to look after the inmates of the hospitals. The physicians in addition may spend a large part of their time visiting without pay the needy sick who are at their own homes. Those whose ailment is less serious can often obtain

treatment gratis at the dispensaries which are to be found in most of our larger cities.

TEXT QUESTIONS

1. What are the chief features of the charity problem?
2. When is private charity to be preferred to public charity?
3. To what different classes of dependents is help now given?
4. What is done for dependents in public institutions?
5. What is done for them at their homes or at dispensaries?
6. Explain the following terms: "social parasite" (§ 86), "outdoor relief" (§ 91), "dispensaries" (§ 92).

SUPPLEMENTARY QUESTIONS

1. What is meant by the "defective" classes?
2. What institutions are maintained by this state for the care of dependents?
3. Do our city, town, or county governments support a hospital, a poorhouse, or a poor farm? If there is a poor farm, is it self-supporting?
4. Cannot unscrupulous persons obtain help from several private charitable organizations at the same time? How can this difficulty be most easily overcome?
5. The playgrounds established for the poor of New York are described in Riis's, "Battle with the Slum," pp. 279–309.
6. On outdoor relief consult Warner's "American Charities," Chapter VII.

CHAPTER VIII

THE GOVERNMENT AND BUSINESS

Business interests to be controlled.

93. Business Interests controlled or managed by the Government. — Among the most important duties performed by our state and local governments are those of making public improvements and of managing or controlling business in which the public has an interest. Certain industries are dangerous without being useful, or are very objectionable; these may be prohibited by the government. Others, quite necessary, like gas works, are something of a nuisance, and may be permitted only within a certain territory and under definite conditions. Still others, like waterworks, are so essential to the public good that they must be managed or carefully supervised by the public. Finally, there are the means of communication which are essential to the prosperity of any community and which must be constructed by the government or be subject at all times to government control.

Means of communication.

Prohibition and local option.

94. The Liquor Question. — One of the most conspicuous of the occupations subject to special government control is that of the manufacture and sale of alcoholic liquors. Many people are opposed to the sale of liquor as a beverage, and wish to prohibit its manufacture and sale within the limits of an entire

state. Three states have *prohibition* of the liquor traffic at present, and many others favor the prohibition of the saloons in local districts. About one half of the states in the Union allow their cities, towns, and counties to prohibit the sale of liquor within their boundaries. This is called "*local option.*"

The license system.

Where saloons are not prohibited, they are permitted to sell liquor upon obtaining from local authorities a *license* or permit. For this they pay a fee of from fifty to twenty-five hundred dollars a year. If the fee is small, we have a "low license" system; if large, one of "high license." These licenses may, moreover, be granted on certain conditions only. Saloons must not be located near churches or schoolhouses. Possibly also liquor may not be sold after midnight or on Sunday, nor to minors at any time. A saloon keeper who violates these rules may even lose his license, as that may be revoked by the board by which it was granted. In regard to this whole subject of liquor control, it may be said, experience proves that no law for the regulation of the liquor business is likely to be enforced which does not receive the hearty support of the people.

Conditions under which licenses are granted.

95. The Control of Corporations. — Most of our business to-day is done not by separate business men, but by corporations. A corporation is formed by a set of individuals who are organized under state laws, for the purpose of conducting some business. Since corporations are created by state laws and receive privileges which will enable them to do this work

Corporations. Why they should be controlled by government.

more perfectly, it is just that they should be subject to government control. Otherwise a corporation which was intended to be a public benefit may become a public curse, unrestrained and unrestrainable by the authorities which are responsible for its existence. Within recent years government supervision of corporations has become more necessary because many of those engaged in the same industry have united in order to avoid the expenses of competition. These combinations, ordinarily called "trusts," have sometimes gained control of all the factories manufacturing a certain line of goods, and by thus destroying competition have been able to raise prices to ruinous rates. Such a proceeding is, of course, very harmful to the public, and interferes with business, but the trust cannot easily be forced to lower its rates. This "trust problem" is one of the most difficult with which our governments have to deal.

The control of "trusts."

96. The Protection of Employees. — Nearly one fourth of the people living in the United States are employed by others. Many of these are engaged in occupations exposing them to great dangers, as is the case with engineers or quarrymen. To protect the lives and insure the safety of these workers, the government requires the employers to take all possible precautions. For example, the use of automatic coupling pins in place of the old hand link pin, has been made compulsory on all interstate railways and in many of the states, with the result that many thousands of accidents have been prevented each year.

Protection of employees engaged in dangerous occupations.

Several million persons are employed in large factories, where there may be insufficient fresh air and light, unless the government inspects the factories and protects the employees from the greed of the employers. Fire escapes must be provided for these factories and for other large buildings where many persons are at work. All boilers and elevators must be inspected and managed by competent individuals. Women and children must not be employed more than a certain number of hours per week, and the employment in factories of children under the age of twelve or fourteen is usually forbidden by the laws of the states. Although some of the men engaged in these occupations form unions which endeavor to raise wages and gain other advantages, the real protector of most of the wage-earners is the government. This protection is nevertheless much less perfect than is often desirable.

Protection of employees in factories.

97. Waterworks. — People who live in the country or in small villages can obtain water for their own use from separate wells or springs, but this is clearly impossible in cities. As the supply must be adequate, and pure as well if it is to be used for drinking, it is necessary for the city government to see that the water comes from good sources, and that there shall be a sufficient number of storage reservoirs where a supply may be kept in case of accident. It may be necessary in addition to filter the water in large quantities in order to remove impurities. The streets must be piped and each house properly sup-

What must be done to provide a water supply.

plied, hydrants being placed at convenient points for filling the carts that sprinkle the streets and for use by the fire department.

The question of private or municipal ownership.

In some cities these things are done by private companies which receive franchises or permits from the city governments, but more frequently the cities favor the municipal ownership and management of their waterworks. So vital to the health and comfort of the people is the water supply that the furnishing of water should be left as little as possible to private corporations, especially as public ownership, where it has been tried, has proved to be remarkably successful.

Why some cities own their lighting plants.

98. Gas and Electric Lighting. — Another commodity which in many of our cities is furnished by the government is the gas or electricity used for lighting. As lights are necessary not only for the individual householder, but for the city itself in lighting its public buildings, parks, and streets, and as the streets, which are public property, must be used for laying gas pipes and electric conduits or for electric poles, many people believe that the lighting plants as well as the water plants should be owned by the city governments. Public ownership of these utilities is not, however, very common at present. Although public electric works have given general satisfaction in most of the small cities where they have been tried, the lights in most of the cities in America will probably be furnished by private parties for some time to come. These private organizations are, however, subject to government control and

Under what conditions private companies furnish lights.

supervision. They must first obtain from the city a franchise giving them specific privileges for a number of years. The city councils can usually decide what is the highest price that they may charge for gas and electricity, and may often compel them to give service which shall not be below a certain grade.

99. Streets and Roads. — One of the most important duties which our local governments must perform is that of establishing means of communication, ordinarily in the form of city streets, country roads, or connecting bridges. The first thing, of course, is the location of the highway. In the cities the streets are laid out regularly, and the task is one requiring great accuracy but less real skill than in the country. In the rural districts, it makes a great difference whether the road connecting two towns is direct or roundabout, whether it is level or has many steep grades, and whether it is conveniently located for most of the inhabitants between the towns. In laying out a new street or road, it is necessary of course to obtain a continuous "right of way" from the owners of the property needed. For this right of way, payment is generally made, the price satisfactory to both the owner and the government officials being paid. If, however, the owner demands more than seems just, the government exercises what is known as its *right of eminent domain*, condemns the property, and has referees appointed by the courts, who fix a reasonable price to be paid by the government.

The location of highways.

How a right of way is secured.

100. Improvements of Highways. — Although the

How streets and roads are improved.

improvement of the highway is a matter of great importance to both city and country, it assumes greater importance and receives much more attention in urban than in rural districts. The principal streets of every city are curbed, and are paved with some durable material such as stone blocks or asphalt, many of the others often being macadamized, that is, surfaced with a mixture of gravel and broken rock, sometimes with cement, the whole well rolled by heavy iron rollers. In the country, the best roads are now macadamized, but the majority are still nothing but dirt roads raised a little in the center to carry off water, but often free in other respects from care of any kind. In many localities, of course, there are so few people that they cannot afford to improve the roads, but, until recent years, many of the highways in well-settled communities have been shamefully neglected. People are beginning to realize that a poor road, with its uneven surface and spring ruts, is very frequently much more costly in the end than one which is well graded and surfaced, and are therefore giving much greater attention to the subject. Formerly farmers who depended on a certain road were in the habit of giving several days' labor with their teams to grading the highways instead of paying a road tax in money, but the construction of suitable roads is now often left with skilled engineers who make use of modern methods and machines, with much more satisfactory results.

Why the improvement of roads is very important.

Government construction of canals.

101. Canals and Railways. — For communication over greater distances we naturally depend on water

PREPARING THE MATERIAL.

PREPARING THE ROADBED.

MAKING A MACADAM ROAD IN THE SOUTH.

(From the *Yearbook, U. S. Dept. of Agriculture*, 1901.)

ways, either natural or artificial, and on railways. Our governments have spent a great deal of money improving rivers so that they shall be suitable for navigation and for the construction of canals which connect navigable bodies of water, but they have paid less attention to railways. Nearly a century ago, before steam locomotives had been invented or railways of any kind were used, the states became very much interested in building canals. The best known of these was the Erie Canal, connecting Lake Erie with the Hudson River, which was completed in 1825 and had a very great influence in bringing together the East and the West. Many canals have been built since that time, usually by our governments, but they have been relatively much less important since railways began to be used about 1830.

Aid given to railways.

The construction of railways has usually been favored by the people, and a large amount of government aid, usually in the form of land grants, has been given to them by both the state and the national government,[1] but our governments have invested little in railways and have made few attempts to control them. Within recent years, however, people have begun to realize that the railways, which are semi-public organizations that have very many privileges conferred on them by our governments, can do great harm or good in the localities where they are situated, and should therefore be controlled by our governments.

102. The Control of Railways. — We may separate

[1] See § 231.

Two classes of railways.

the railways of the country into two classes: (1) the interstate railways, whose tracks are in more than one state, and which are controlled by the national government; and (2) the state railways, which are controlled by the state governments. The United States created in 1887 an Interstate Commerce Commission which sees that the interstate railways do not form illegal combinations and do not charge unreasonable rates.

What the states are doing to control railways.

Most of the states also have commissions which look after the railways doing business exclusively within their territory. As the railways may condemn private property in order to secure a right of way, as they have received help from the government in the form of land grants and concessions, and as they enjoy other special privileges under the laws, it is but just that the government should demand in return that the railways charge reasonable rates for all distances, and that they do not charge one shipper more than another for similar services; in a word, that they do not sacrifice the public to their own ends.

The problem of transportation in cities.

103. Street Railways. — The problem of providing adequate means of transportation for the people of the cities, and at the same time properly controlling the street railway companies is one of considerable difficulty. So many of the people in a city now live in the suburbs that numerous lines are necessary in order that they may go to and from their places of business with comfort but without unnecessary cost or delay.

Practically all of the street railways now in opera-

Provisions of railway franchises.

tion have been built and are being managed under franchises granted by the city councils for periods of from twenty to forty years. The privilege of laying one or two tracks upon specified streets is given for a certain number of years on condition that cars shall be run every ten, fifteen, or thirty minutes, as the city council considers necessary. At the time the privileges were granted, the companies might not have been able to carry out their part of the franchises and make a great profit, but often in a few years a franchise has become worth an immense sum, no part of which has found its way to the city treasury.

Shall the cities own or simply control street railways?

Two ways have been suggested of avoiding this evil. The first is to have the cities own and manage the street railways; the second, to grant, for a short term of years, franchises which give the cities control over the private companies, and which arrange to have a percentage of the profits paid into the city treasuries. The second method seems to be the more popular and the one more likely to be universally adopted.

Boston and New York subways.

Two of the cities in the United States, however, have constructed subways at public expense. Boston has an underground railway almost a mile in length in the heart of the city, and New York has nearly completed at great cost a subway twenty miles long which will do much to solve the problem of rapid transportation in that metropolis.

TEXT QUESTIONS

1. Explain carefully the important duties mentioned in § 93.
2. What are the three most common methods of dealing with the liquor question, and to what extent is each used?

3. When saloons are licensed, under what conditions are the licenses usually granted?

4. How may "a corporation which was intended to be a public benefit, become a public curse"?

5. Why should the government control the "trusts"?

6. What classes of employees are protected by our governments, and in what way are they protected?

7. Why is municipal ownership of the waterworks in large cities desirable?

8. What is the difference between the tasks of city and county officials in locating roads or streets? in improving the same?

9. What two classes of railways are there in this country?

10. Why is the granting of franchises to street railway companies a matter of great importance?

11. Explain the following words and expressions: "local option" (§ 94,) "high license" (§ 94), "trusts" (§ 95), "automatic coupling pins" (§ 96), "franchises" (§ 97), "lighting plants" (§ 98), "right of way" (§ 99) "right of eminent domain" (§ 99), a "macadamized road" (§ 100), "semi-public organizations" (§ 101), "Interstate Commerce Commission" (§ 102).

12. Explain each part of the sentence, "Since corporations are created by state laws and *receive privileges* which will enable them to do this work more perfectly, it is just that they should be *subject to government control*" (§ 95).

SUPPLEMENTARY QUESTIONS

1. Have we in this state the license system, prohibition, or local option? If the license system, have we high license or low license? If local option, is the sale of liquor permitted in this district?

2. Different methods of controlling the sale of liquor business are discussed in *Atlantic Monthly*, LXXIX (1897), pp. 177–187.

3. If "Sunday closing" laws are not enforced, should they be repealed?

4. The control of trusts. (*Scribner's Magazine*, XXVI (1899), pp. 604–610.)

5. The regulation of "sweat shops." (*Scribner's Magazine*, XII (1894), pp. 22–24.)

6. From what source does this city get its supply of water? Does it own its waterworks plant?

7. If we do not have public ownership of the water system, is it better to have the water furnished by different companies for different parts of the city, by different companies for the same part of the city, or by one company for the entire city?

8. What percentage of the cost of improving a city street is paid by the property on either side?

9. Are the roads of this section well located? How are they surfaced?

10. How are rural roads improved? (*Review of Reviews*, XXV (1902), pp. 66–74.)

11. On the methods of paving city streets consult *Popular Science Monthly*, LVI (1900), pp. 524–539.

12. Why has so much more been spent by our governments in improving water ways than in aiding railways? (Consider how many persons can use a water way independently compared with those that can use a railway independent of the railway company.)

13. What are "reasonable rates"? Would reasonable rates be the same in a well-settled district as in a desert region?

14. The Erie Canal — past and future. (*Review of Reviews*, XXVIII (1903), pp. 59–67.)

15. What has the Interstate Commerce Commission accomplished? (*Atlantic Monthly*, LXXXI (1898), pp. 433–443.)

16. Are the street railways of this city under a single management, or are there competing lines? Do the railways pay a percentage of their earnings to the city government?

17. The New York subway is described in the *Century Magazine*, LXIV (1902), pp. 894–911.

L. of C.

CHAPTER IX

TOWN AND COUNTY GOVERNMENT

Duties of local government.

104. The Three Types of Local Rural Government. — The duties that we have been considering in the last four chapters are performed by three different governments — the rural local governments, the city governments, and the state governments. Some of these questions, like those of preserving order or supporting public education, interest all three governments, while others, like the waterworks problem, are of interest to only one — in this case, the city government.

The county, town, and compromise types of local government.

The rural local governments include the governments of the *county* and the governments of the *town*. We usually distinguish three types of local rural government in the United States. (1) When the counties of a state are very important, and there are no towns within the county, that is, the county is not subdivided into important rural districts, we say that the local government of that state is a *county* government. (2) If, on the other hand, as in New England, the towns are much more important than the counties, we call the local government a *town* government. (3) But if, as in the middle Atlantic states and in the central West, there are both counties and towns, each of which does a part of the work of

governing the community, it is customary to speak of the *compromise* type of local government.

How changes in the life of a people produce changes in the government.

105. How Governments Grow. — In order to understand why a particular government performs certain duties rather than others, or why it is organized in a particular way, it is usually necessary to learn something of its history. We shall find that at some time in the past, perhaps several centuries ago, some great change took place. This may have been the migration of an entire people from one land to another. In their new home it may not have been possible to establish governments like those that they had used before, and, in consequence, the character of the government was changed, although the new government was an adaptation of the old, since it is much easier to modify an existing institution than to invent a new one. From this starting point, a new kind of government was gradually developed, being altered as changes became necessary. In the history of the American people, such a change occurred when our forefathers came to this country in the seventeenth century. Because the climate was different on various parts of the Atlantic coast, their settlements were unlike, and, because their settlements were unlike and because they had different ideas about how they should be governed, local governments of the three types mentioned in the preceding sections were established. Why this was done, we shall now notice briefly.

106. Local Government in Colonial Virginia. — As we all know, the first permanent English settlement

How the English local government was changed when transplanted to Virginia.

in America was begun at Jamestown in Virginia in the year 1607. The settlers came to this hemisphere because they desired to make money, and they were much more interested in commerce than they were in political matters. It was perfectly natural therefore that they should be content to establish in Virginia the kind of a government that they had used in England. But in England the country was thickly populated, whereas in Virginia the plantations were large and the population was scattered. *In England they had had county governments and parish governments*, the latter being very much like what we should call town government. But, because people lived far apart *in Virginia, the county government was the only one that they needed.* All the work of local government was therefore performed by *county* officials. In the other Southern colonies as well, county governments only were established, town governments being unnecessary.

Why the Puritan congregations established towns.

107. Local Government in Colonial New England. — Massachusetts and the other New England colonies were settled by English Puritans, a religious sect. These men did not approve many of the forms and usages of the established Church of England which every Englishman of that day was obliged to support. In order that they might use the ceremonies which they preferred, they emigrated to the new world. They did not come as individuals, but as congregations. Instead of separating when they reached America, the members of each congregation made a settlement of their own, with their meetinghouse on

a convenient hill, and the homes of the members not far away. Meetings were held frequently at the church to look after religious affairs and to consider such matters as erecting defenses, constructing roads and building bridges. All church members were allowed to attend these meetings, which were exceedingly democratic, for every man present might speak and vote on any question. As each congregation looked after the government of its own district or town,[1] no county government was necessary, and the local government of colonial New England was therefore from the beginning a *town government.*

How the middle colonies borrowed from those to the north and south.

108. Township-county Government. — More than a half-century after Jamestown was founded, the English conquered New Netherland, and twenty years later the vacant land between New York and Maryland was occupied by the Quakers sent out by William Penn. None of the colonists in this middle district were especially interested in their local governments, and in consequence they borrowed from their neighbors on the south the county government which the latter had tried with success, and, from those on the north, they obtained many features of a town government. This gave them a *township-county government, a compromise type of local government,* well suited to their needs.

The compromise type in the West.

Not only did the colonists of the middle Atlantic section adopt the compromise type, but the settlers in the Mississippi Basin a century or two later found

[1] The words "town" and "township" are used in the same sense, meaning not an aggregation of houses, but an area of land.

this form of local government satisfactory. In almost every state, however, a county government was more essential than a town government, and in consequence outside of the original thirteen states, the counties are more important than the towns.

The county board.

109. County Government at Present. — The officials who look after our counties are elected by the voters or are appointed by those elected officials. Elections occur usually every two or four years. The most important set of officials is called the *county board*, the members of which are usually known as commissioners or supervisors. They make county ordinances, determine the amount of money to be raised each year by taxation in order that the county may do its work, divide the county into school and road districts, look after the poor, erect public buildings, construct bridges and lay out public highways.

Other county officials.

A county board of education and a superintendent of schools attend to almost all school duties not performed by the local trustees. The *sheriff*, who is the chief executive official of the county, preserves order and enforces the decrees of the county courts. The public records are kept by the *county clerk* and copies of deeds and mortgages are left with the *recorder*. The *tax collector*, the *treasurer*, and the *auditor* take charge of the receipts and expenditures of money. When the county is a party to a suit in the courts, the interests of the people are represented by the *district attorney*. All cases of violent or mysterious death are investigated by the *coroner*, who

has the aid of a jury when necessary. Many other officials have the supervision of various departments of the county government and assist in managing public affairs.

110. Town Government at Present. — In New England, where the town officials are responsible for work elsewhere done through county officers, the officials are numerous and their duties are important. In other parts of the United States, the township officials are few in number.

Town government in New England and elsewhere.

The essential feature of New England town government is the *town meeting*, held at least once a year in the town hall. Every voter in the town may attend these meetings, at which the public officers are elected, taxes are voted, and other important business transacted. The chief officials are the *selectmen*, whose position is similar to that of the members of the county board, the school committeemen, the assessor, town clerk, the constable, who preserves order, the treasurer, the overseers of the poor, and the overseers of the highway.

Town meeting and town officers.

111. Some Duties of Local Government.[1] — We have already considered so fully the work performed by our county and town governments that it is necessary at this point simply to call attention to a few of the principal duties. One of the first things to which local officials must give attention is the preservation of order by arresting and trying offenders and by punishing them if they are found to be guilty. The

Variety and importance of the duties.

[1] In this connection the pupil should review §§ 65–68, 76–80, 84, 90–91, 94, 99–100.

location and construction of highways require considerable thought and skill, if the best interests of the community are to be served. Proper care must be taken of the public schools and of the worthy poor within the district. The laws relating to the control of the manufacture and sale of intoxicating drinks require considerable supervision. In fact all of the duties left with our rural local governments are of such a character that they can be performed properly only by wide-awake, public-spirited officials who receive the hearty coöperation of the people whom they represent.

TEXT QUESTIONS

1. Describe the three types of local rural government in the United States.

2. Give reasons why one type of local government was developed in Virginia and the opposite type in Massachusetts.

3. To what extent is the county-township government in use in this country?

4. Name the principal county officers and the duties of each.

5. Why is the town meeting the essential feature of New England town government?

6. Explain the following words: "congregations" (§ 107), "township" (§ 108), "deeds" (§ 109), "mortgage" (§ 109).

SUPPLEMENTARY QUESTIONS

1. Study the local government of England during the seventeenth century. Show what features were transplanted to America and why this happened. (Ashley, "American Government," §§ 40–45.)

2. Why was "a county government more essential than a town government" in a new state?

3. How many counties are there in this state?

4. In what county do we live? What is its area? its population by the last census? What is the county seat?

5. What name is given to the county board? Give the number of members and its principal powers.

6. What county officers are elected by the people? What is their term of office?

7. If living where the town is important, answer questions 4, 5, and 6 for the town.

8. Fill out the following table: —

COUNTY OFFICIALS

OFFICE	TERM	SALARY	NAME OF PRESENT OFFICIAL
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CHAPTER X

CITY GOVERNMENT

Extent and causes of the growth.

112. The Remarkable Growth of our Cities. — We can appreciate the importance of city government if we realize that one third of all the people of the United States live in cities of over eight thousand inhabitants, whereas twenty-five years ago less than one fifth of our population dwelt in cities. The chief motives influencing this migration to urban centers have been the increased opportunities of business advancement which a city offers, and the social and educational advantages found there. Because of the many calls which city life makes upon the time of its people, less chance is given the voters to interest themselves in the way the government is conducted. Since they do not become acquainted with their neighbors as in the country, the candidates for even the ward officers are probably unknown to ninety-five per cent of the voters. The indifference of the people to city affairs, due to these causes, is increased by the lack of great public questions in connection with the municipal government. The vast number of details with which city officials are concerned are so confusing that the voters cannot readily detect mistakes or hold unworthy officials to account. It is well known that our city governments

Why city people neglect their governments.

have often fallen into the hands of men whose sole business is "politics," and whose care for the public welfare is less marked than their devotion to private interests. This is the more unfortunate because the regulation of a city's business involves the expenditure of a much greater amount of money in proportion to the population than does that of the county, the state, or the national government, so that all citizens ought to be vitally interested in having their city's government as perfect as possible.

What incorporation is.

113. Incorporation and Charters. — In order to transact public business, a city must first of all be incorporated and obtain a charter. The act of incorporation is equivalent to the organization of a business and takes place when the voters of the city vote at a special election in favor of incorporation. The charter is the written document which provides for city officials and defines the duties of any officer or department. Usually, the charter is granted to the city by the state government, but in four states, Missouri, California, Washington, and Minnesota, the people are allowed to choose charter committees, which, having framed suitable charters, submit them to the voters and to the legislatures for their approval.

Charters and how they are granted.

Powers of the council.

114. The City Council does for the city what the county board does for the county (§ 109). It has the right to construct public buildings, and to make ordinances for the control of the streets, the preservation of order, the licensing of saloons, the protection of public health, and other matters of local interest. The council is usually the chief financial

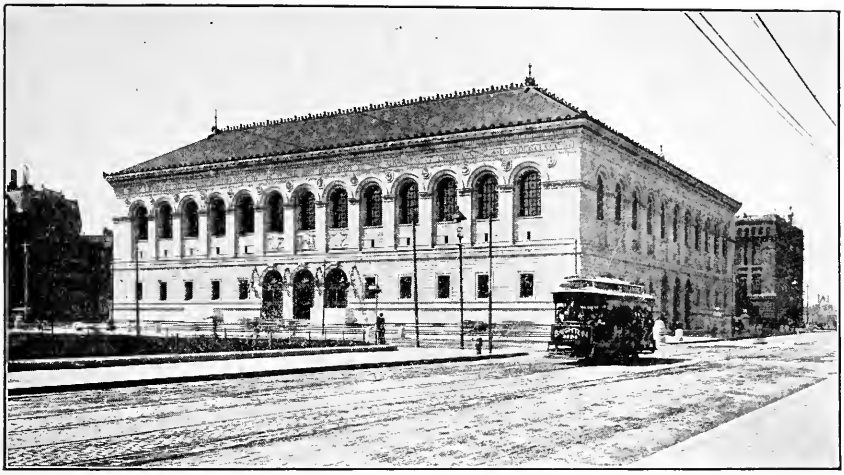
organ of the city. To it estimates of the expenses of the different departments are furnished, by it appropriations are voted, and provision made to meet the expenditures through taxation or other forms of revenue. When it becomes necessary to borrow money, the council is authorized to issue bonds for the necessary amount, although sometimes only after securing the approval of the voters. When a company applies for a franchise to lay a street railway, or furnish telephone service or gas to the people, the application is made to the council, but in some cities it is not permitted to grant franchises without first gaining the consent of the voters.

Composition of the council.

Our councils are ordinary small bodies of a single chamber, the members being elected every two years from the wards or other convenient districts of the city.

Duty of the mayor.

115. The City Mayor is often an official of very great importance. As the executive head of the city, he is largely responsible for the enforcement or non-enforcement of the law within the city limits. Although the chief of police has immediate charge of arresting offenders and keeping the peace, the mayor must see that no serious disorder occurs. For a position of such prominence, the ablest men would naturally be chosen, but this is not always the case, for, in most of our cities at the present time, the mayor is often unable to prevent the violation of laws which he is supposed to enforce. In brief, his real power is not equal to his responsibility. Many of the officials under him are men



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whom he cannot control. If they do not desire to carry out his wishes, he cannot force them to do so. Some of our cities have attempted to remedy this state of affairs by allowing the mayor to appoint, and to remove for cause, most of his subordinates. This has greatly increased the mayor's power and has made it possible to get better men as mayors, but it has not always given us better city governments.

The mayor and his subordinates.

Our mayors are chosen by the voters, usually every two years. Their chief power is that of "vetoing," that is, of forbidding ordinances passed by the city council. A vetoed ordinance becomes a law only in case it is repassed by the council by a very large majority, usually two thirds of all the members, so that if the mayor disapproves any measure, he will probably prevent its passage.

The chief power of the mayor.

116. City Elections. — Not only are the mayor and the councilmen chosen by popular vote, but an assessor, a tax collector, an auditor, a treasurer, a clerk, an attorney, and members of a board of education are often elected in the same way. Formerly all city elections were held at the same time as state and congressional elections. Nominations were made by each political party for every elective office, and the election was a party contest in which every voter was expected to support the nominees of his party whether he considered them the best men or not. After some agitation, the fact became generally recognized that there is no unnecessary connection between city government and partisan politics, and that party politicians were frequently unsatisfactory

City elective officials.

City elections in the past.

Separate city elections.

officials. To remedy this defect, city elections were separated from other elections in many states. Some of the nominees in most of these separate elections are independent candidates, and the men nominated by the political parties are likely to be business men rather than politicians, so that there has been an improvement in the character of the candidates. Moreover, in separate elections the voters are less inclined to support the entire ticket of their party than in regular elections, and, by discriminating in favor of the best men, have secured better officials.

Reformed regular elections.

At the same time, there has been an improvement in those cities which choose their city officials on regular election days. Organizations of business men, by examining the records of all candidates and agreeing to support only the best nominee for each office, have given to the parties a special inducement to place good men on their tickets, and have done much toward the betterment of city government.

Importance of the departments.

117. The Administrative Departments in City Government. — In order to carry on the large amount of business which we leave to our city governments, departments are organized under the supervision of boards or superintendents. The real success of city government depends to a great extent on two things connected with these departments: (1) the skill with which the separate departments are organized and the harmony with which they work together, and (2) the methods used in the selection of the numerous employees of these departments, as explained in the next section.

School department.

One of the most important departments is that of *education*, managed by the school board, whose members are ordinarily elected from the wards of the city. This board has practically absolute control of all schools and school matters, except in *raising* money for current expenditures and for new buildings.

Police, fire, and health departments.

There are usually boards appointed by the mayor or council which regulate the affairs of the *police*, *fire*, and *health* departments,[1] although the executive work of these departments is performed by chiefs. Other departments have duties but little less important than the four we have mentioned, as we can understand if we review the municipal undertakings described in Chapters VII and VIII.[2] Among these departments are those that look after the poor, the water supply, public lighting, the streets, the parks, and other matters.

The spoils system.

118. Civil Service Reform in Cities. — By civil service reform is meant the movement which has been prominent in this country during the last quarter-century to obtain better-trained and more competent employees to assist our public officials. Soon after the beginning of the nineteenth century, it became the custom for officials to select for positions under them, partisan friends who had rendered them some service. This custom, known as the "spoils system," of turning out the former employees to make way for personal favorites, on the ground that "to the victors belong the spoils," prevailed almost unchecked until

[1] In this connection reëxamine Chapter V.

[2] Consult especially §§ 90–92, 94, 97–100, 103.

about twenty years ago the reformers gained a foothold. So earnest were they and so well supported by public sentiment that a great deal has been done to insure the selection of trained men and women who may retain their positions as long as they give satisfaction. In cities the need of skilled assistants is greater than in any of our other governments, because our city employees are more numerous than all others, and because the work of a city government is very much like that of a business. Political views are not a necessary qualification of a policeman, a fireman, or an office clerk, but ability to do the work well must be demanded if the public is not to suffer. Comparatively little has been done to establish in our cities a regular civil service in which appointments are made exclusively on the ground of merit or removal solely for incompetency, but there is good reason to hope that the popular interest taken in this subject will lead to some improvement, without which good government is impossible.

Need of a reformed civil service in cities.

119. The Necessary Work of a City. — We may classify the duties performed by our cities as *necessary* or *business* duties. By necessary duties are meant those which are invariably performed by American municipalities. The business functions include the business enterprises, like the supplying of water or light, which are either undertaken by the cities or performed by private parties with the consent of the city officials.

Two classes of duties.

From what we have noticed (§ 66), it is quite evident that our city governments have a very difficult task in

Variety of the necessary duties.

the preservation of order, because so many criminals make their headquarters in cities. The duties connected with the public health are exceedingly arduous, since health will be imperiled when people are crowded together, unless all necessary precautions are taken to keep the city clean and to prevent the spread of disease. Streets must not only be kept open, but fitted for use by proper paving and sufficient lights in order that they may be of value to the citizens. The poor, always more numerous in the cities than in the country, must be cared for, parks must be provided, and careful attention must be given to the system of public schools. These duties and many others which must be undertaken, require able supervision, the employment of many hundred thousand men and women and the expenditure of several hundred million dollars yearly.

Why the cities should guarantee good water, lights, and transportation.

120. Business Duties and Problems. — The city government is responsible to a great extent for the quality and abundance of the water furnished to the householders, for the character of the light they receive, for the principal defects of the street railway system, and for the telephone service. These articles are necessaries which can be provided only by making permanent use of the people's highways — the city streets. No company can furnish these commodities until it obtains from the city government a permit or franchise giving it that right. If the government grants a franchise for an unreasonably long time, if it does not retain in its own hands the supervision of the general management of the company, so that it may

How cities may fail to protect the public.

require the company to furnish good service at low rates, if it gives any company a monopoly in supplying one of these utilities, the fault lies with the city government. . It is quite true that one set of officials may give away so much that the city is thereafter powerless, and later officials, try as they may, cannot protect the citizens. But this simply emphasizes the importance of the business duties performed by the city government and the responsibility which it must assume. It shows that either the cities must own these public utilities or they must be exceedingly careful in the granting of these franchises, which often are of immense value. They must take every precaution against the possible corruption of public officials who may be bribed to give away the city's rights, and must secure as their representatives in the city government men whose honesty and integrity cannot be questioned.

TEXT QUESTIONS

1. What conditions in cities make the people careless about political affairs ?

2. What is the city charter? How did we get our charter?

3. Name the chief powers of the city council.

4. What attempt has been made to improve city government through changes in the mayor's power?

5. What has been done to get better men for office in cities?

6. Give the names and duties of the principal administrative departments.

7. What is meant by civil service reform? Why is it especially desirable in cities?

8. Distinguish between the necessary and business duties of a city. Mention the most important necessary duties per-

formed by our city government; the most important business functions.

9. Explain the following terms: "ordinances" (§ 114), "franchise" (§ 114), "veto" (§ 115), "partisan politics" (§ 116), "administrative departments" (§ 117), "the spoils system" (§ 118), "civil service" (§ 118), "public utilities" (§ 120).

10. Explain the meaning of the sentences: "his real power is not equal to his responsibility" (§ 115); "the skill with which the separate departments are organized and the harmony with which they work together" (§ 117).

SUPPLEMENTARY QUESTIONS

1. What is the area of this city? Its population?

2. What date does the present charter bear? Was it given to the city by the state legislature? How may it be amended?

3. How many members are there in the council? From what kind of districts are they elected? What is their term of office?

4. Is it better to elect the councilmen from wards or from the entire city?

5. What is the mayor's term of office? His salary? Name his principal powers.

6. When are our city elections held? What effort has been made to get good men for office?

7. How is San Francisco governed? (*Review of Reviews*, XIX (1899), pp. 569–575.)

8. Have we a civil service commission in this city? If so, what persons does it appoint?

9. What has been done toward reforming the civil service of cities? (Devlin, "Municipal Reform in the United States," pp. 85–102.)

10. What official or body grants franchises in this city? Does the charter limit the term of years for which franchises are granted or prescribe any other conditions under which they are permitted?

11. What dangers are encountered in granting franchises? (*Atlantic Monthly*, LXXXVIII (1901), pp. 463–482.)

12. Fill out the following table for city officials, and for the principal departments mentioned in § 117.

City Officials

Office	How Selected	Term	Salary	Present Official
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

Administrative Boards

Department	How Selected	Number	Term	Is there a Superintendent?
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

CHAPTER XI

THE STATE GOVERNMENTS

121. The History of our State Governments.— Our state governments as well as our local governments have an interesting history and have had an important influence on American history. In each of the colonies established during the seventeenth century on the Atlantic slope there was a governor who exercised extensive power, a legislature, one branch of which was elected by the people, and courts presided over by judges who were always appointed. There were, however, three classes of colonies differing greatly from one another. First, there were the *Royal* colonies, the governors of which were appointed by the king. Besides the seven royal colonies there were three *Proprietary* colonies, the governors in these provinces being appointed by proprietors, and finally in three colonies, called *Charter* colonies, the governors were chosen by the people or their representatives.

Departments in the colonial governments.

Three classes of colonies.

In the royal and proprietary colonies the governors had at first almost absolute power. Before long the assemblies of delegates chosen by the people demanded certain rights and privileges, and, during the eighteenth century, the assemblies were constantly quarreling with the governors. Because the assem-

Contests between the governors and the people.

blies represented the people and the governors represented the king or the proprietors who lived at a great distance, the assemblies usually gained what they wanted. These quarrels of course ceased when the Revolutionary War broke out, for after that time the governors as well as the legislatures were chosen by the people.

The two houses.

122. The State Legislature and its Election.— At the present time all of our state legislatures are composed of two houses, the smaller of which is known as the senate. The members of these houses are elected by the voters from districts into which the states are divided. Every ten years a census is taken of all the people living within the United States.

Legislative districts.

Very soon after, the legislature of each state divides its state into as many senatorial districts as it needs and into assembly districts. Every senatorial district is supposed to contain the same population as every other senatorial district, and the population of every assembly district is theoretically the same. As but one legislator is elected in each district, the people in one part of the state are as well represented as in any other.

Purpose and character of gerrymandering.

123. Gerrymandering and Proportional Representation.— It happens sometimes that a legislature will divide a state into irregular-shaped districts in order that their party may elect more than their share of legislators. This practice is known as "*gerrymandering*," and, if permitted, may defeat the wishes of the people by electing, through the gerrymandered districts, a legislature that represents the minority.

Even when the districts are arranged in a fair way, one party may have much more than its share of legislators. If it elects its candidates by small majorities in practically all of the districts, the minority party will have few representatives, although it polled a large vote. To remedy this defect, many plans of proportional representation have been proposed, since it is but just that a party which gets one third of the votes in a state should have about one third of the legislators and not one half or one tenth. Illinois is the only state that really has tried proportional representation for state offices. In that state there are fifty-one senatorial districts, in each of which one senator and three representatives are chosen. Every voter may cast one ballot for a state senator and three ballots for representatives, casting all three for one person or for different ones, as he prefers. The districts are, however, too small to afford a fair test of the merits of the system.

Proportional representation.

The Illinois plan.

124. The Legislators and their Duties. — A senator is likely to be chosen for a longer term than are members of the lower house of the legislature, four years being their usual period of office to two years for assemblymen. The state constitutions usually prescribe certain qualifications regarding the age and residence of candidates for the legislature, and in practice no one is selected who is not a *bona fide* resident of the district from which he is chosen.

Terms and qualifications of legislators.

Legislators are not asked to donate their time to the public service, although their compensation is

Salaries and "extras."

never large. Some states pay an annual salary, while others give a fixed amount for each day the legislature is in session. Sessions are ordinarily held only once in two years, and the length of the session is usually specified in the constitution, so that the legislators cannot draw pay for an indefinite period. Their traveling expenses are ordinarily met by the government, which allows them an amount known as "mileage" which is proportional to the distance they travel. If they receive "mileage," however, they are often forbidden to travel on railway "passes."

Privileges and disabilities of legislators.

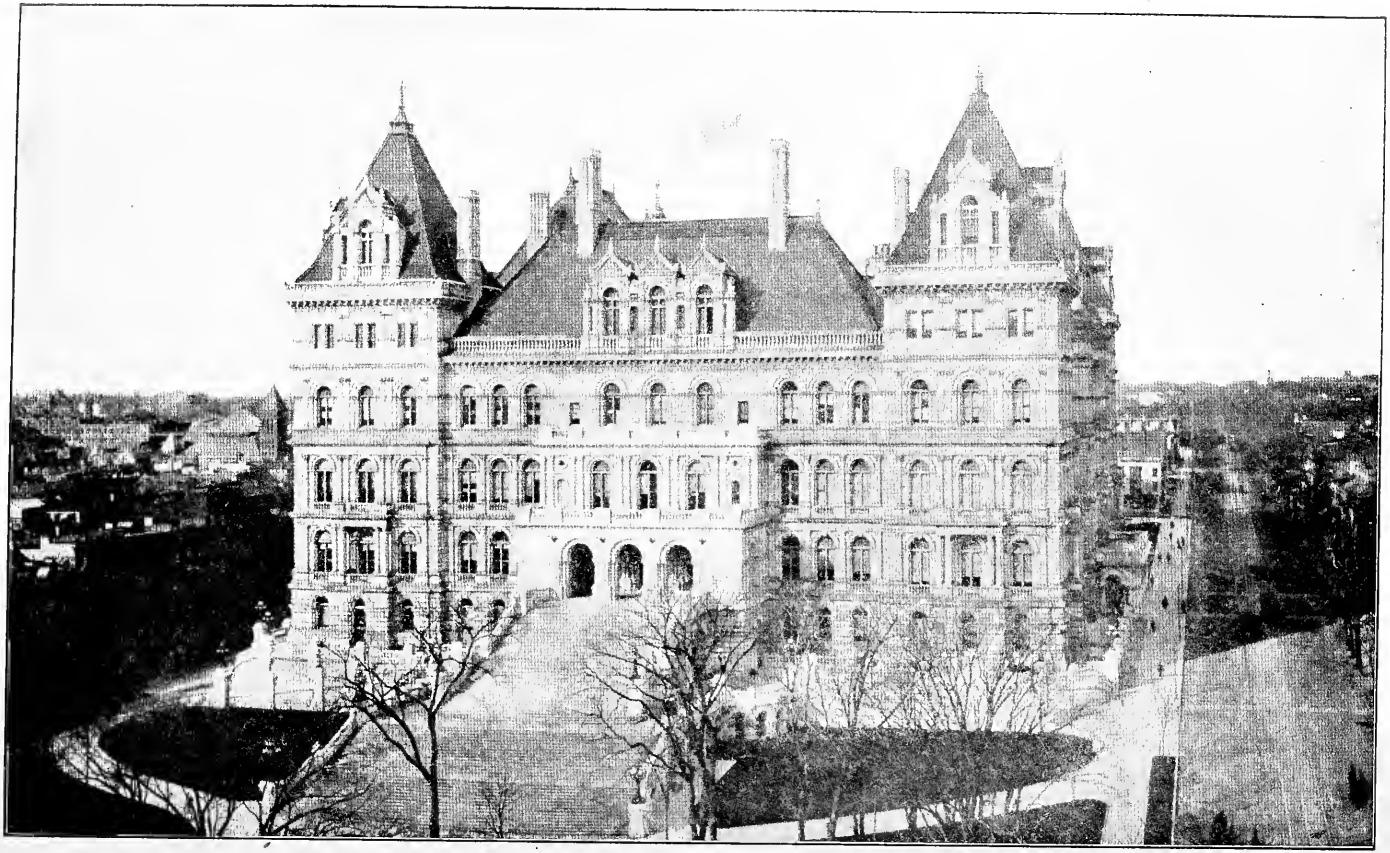
Members of the legislature are not allowed to hold any other office under the government, nor may they later accept a position created by the legislature during their term of office. They are free from arrest while engaged in public business, and are not subject to a suit for libel on account of anything they may say within the halls of the state capitol.

Introduction of bills.

125. The Process of making Laws. — In making laws, the legislature follows a routine which is prescribed in part by the constitution of the state. First of all, a bill, as it is called, is introduced in one of the houses of the legislature by some member. The character of the bill is indicated by its title, which must not include more than one subject. After the

A bill in committee.

clerk has read the bill, either in full or by the title, it is usually sent to the committee having charge of all subjects similar to those of which the bill treats — in technical language, the bill is committed. The committee may not see fit to bring into the house a report upon it, and it is said to have been "killed in



New York State Capitol, Albany, N.Y.

committee." If fortunate enough to escape this fate, it is reported, read a second and a third time, and possibly debated or amended. Finally it may be brought to a vote, and if favored by the majority required by the state constitution — usually one half of those elected to the house — it is signed by the presiding officer and sent to the other house. Again it must go through the three readings on three separate days, and, if approved, is sent to the governor. The governor has from ten to thirty days to decide whether he will sign the bill. If it is objectionable to him, he returns it to the house in which it originated, with the reasons for "vetoing" it. If, however, in spite of his veto, a large majority in each house still wish the bill to become a law, it is "passed over the veto" and becomes a law without the governor's signature.

Debate and vote.

The bill in the second chamber.

The governor's veto.

126. The Importance of the State Legislature. — The legislature overshadows the rest of our system of state government, since it not only makes laws upon all subjects that are not expressly and exclusively granted to the national Congress, or denied by the United States or state constitutions to the legislature, but may also interfere in many ways with the work of the other departments. It has control of all state finances, including important questions of state and local taxation, borrowing funds and expending money. All of the general laws under which our local governments and schools are organized, those referring to the state and local courts and procedure in these courts, those dealing with the

The legislature and the other departments.

Powers of the state legislature.

making and enforcement of contracts, the transfer of property, marriage, and divorce, with preventing the spread of disease, with the incorporation of business houses — all of these form only a part of the vast number under the charge of the legislature, the whole covering a set of subjects of the first importance, not only because there are so many, but because all are of such interest to us in our home and business life.

The governor's election.

127. The Selection of the State Governor. — The governor is by far the most prominent and powerful executive official of the state. Around his election, which occurs once in two or four years, the chief interest in state politics centers. This election is usually held on the Tuesday after the first Monday of November, members of the state legislature and some of the governor's colleagues and assistants being chosen at the same time. In a close state, the nomination of the candidates for governor demands universal attention, and the campaign following the nomination will occasionally awaken as much interest as a presidential election.

Qualifications and salary.

In most of the states, the constitutions require that the governor shall be twenty-five or thirty years of age and a resident of the state for not less than five years. As with the legislators, the governors are expected to receive a part of their compensation in the honor accompanying the office, for the average salary is less than $5000 and in no case is the salary more than $10,000.

128. The Powers of the Governor. — Among the important powers exercised by the governor, the following should be noticed. (1) The governor is the chief executive official of the state, being responsible for the general execution of the state laws. As many of the state laws are, however, carried into effect by the local officials and by state officials whom the governor cannot control directly, it is often unjust to hold him responsible if the laws are not properly enforced. (2) He is the commander-in-chief of the state military force — the militia — and as such may protect the state from invasion and aid the local officials in suppressing insurrections (§71). (3) He has the right to appoint — usually with the consent of the state senate — a great many minor officials. A few of these he may also remove. If a vacancy occurs, he may select some one for the place until the legislature or the people can fill the position. (4) He has the power of pardoning criminals in all but a few states. (5) Much the most important of his powers are those relating to legislation. He may call special sessions of the legislature, and at the beginning of all sessions submits messages giving his ideas and suggestions regarding needed legislation. When the two houses fail to agree on a time for adjournment, he may adjourn them until some reasonable future date. Most important of all, except in three states,[1] he may veto bills sent to him by the legislature which can become laws only when repassed by the legislature by increased majorities.

General executive power.

Military.

Appointment.

Pardon.

Legislative powers.

[1] Rhode Island, North Carolina, and Ohio.

Under ordinary circumstances a governor's veto, accompanied as it is by a message giving his reasons for opposing the measure, will influence a fair proportion of the legislators, and he can thus forbid this legislation altogether.

Important state executive officials and their duties.

129. The Governor's Colleagues. — When the governor is elected, there are usually chosen a *lieutenant governor*, who presides over the meetings of the state senate and is prepared to take the governor's place in case it becomes vacant, and several other executive officials who may be called the governor's colleagues. The *secretary of state*, the chief clerical officer of the state government, keeps all official records and takes charge of the state seal. The supervision of the expenditures authorized by the legislature is intrusted to the *controller*, by whom every order drawn upon the *treasurer* must be approved before it can be paid by the latter from the state funds. An *attorney-general* is the legal adviser of the governor and of the legislators, and is the public prosecutor in all criminal or civil suits in which the state has an interest. Besides these officials there are often public printers, superintendents of public instruction, superintendents of public works and surveyors-general, who may be elected by the people or appointed by the governor or the legislature.

The lowest courts.

130. The System of State Courts. — Most of the civil and criminal cases tried within the United States are considered in state courts. The least important cases, being very numerous, are tried in

the lowest local courts of which there are a great number. These courts are usually presided over by country *justices of the peace* or by city *police justices*. Some suits are decided finally in these courts, but, as it is one of the principles of our judicial system that whenever possible a person whose claims have been denied shall have a second opportunity to obtain justice in a higher court, many important cases are appealed to the next highest tribunals, the *county courts*. These courts also try for the first time cases so important that they have not been considered in the lower courts. Cases are carried on appeal from the county courts to the next higher set, usually known as *circuit* or *district courts*, the state being divided into several districts or circuits for that purpose.

The intermediate courts.

The highest court to which suits may be taken, if of sufficient importance, usually consists of from three to seven judges who represent the entire state. As all cases involving the state constitution and other important laws come to this court for decision, there is no danger that fundamental laws will be interpreted in one way in one part of the state and in another way in a different section.

The highest state courts.

131. The Necessity of an Upright Judiciary in a Republic.— In a country whose political institutions are as popular in character as ours, the need of an able and upright judiciary is imperative. Our judges must not only explain the meaning of the laws but of the constitutions as well, and if they are corrupt or are subservient to any particular interest or set of persons, justice will be "sold, delayed, and

How able and honest judges can protect the people.

denied," and the fundamental rights of freemen will be refused to us. An ignorant judge is but little less dangerous to the public welfare and to individual security than a corrupt justice, and every possible precaution must be taken to secure men of ability as well as of integrity. When, as is the case in most of the states, the salaries paid to the highest judges are but a tithe of the income of prominent lawyers, the honor of holding the position must be made the chief attraction to jurists of ability. If we elect as judges men of inferior standing, men whose business is politics rather than the law, or men who seek places on the bench through dishonorable means and who use them for personal or partisan ends, we must expect a judiciary that does not command respect, and which, in the long run, will defeat the popular will and bring our free institutions into disrepute.

TEXT QUESTIONS

1. What classes of colonies were there before the Revolutionary War?
2. Why do the legislatures often fail to represent the people? What remedy has been proposed for that defect?
3. What special privileges has a legislator?
4. Describe fully the process of making laws.
5. Why is the state legislature the most important part of our system of state and local government?
6. Enumerate and explain the governor's powers.
7. Give the names and duties of the governor's colleagues.
8. Why is an upright judiciary especially necessary in a republic?
9. Explain the following terms: "census" (§ 122), "gerrymandering" (§ 123), "*bona fide* resident" (§ 124), "mileage" (§ 124), "passes" (§ 124), "killed in committee" (§ 125), "the making and enforcement of contracts" (§ 126), "the transfer of

property" (§ 126), a "close state" (§ 127), "power of pardon" (§ 128), "cases are appealed" (§ 130), "fundamental laws" (§ 130).

SUPPLEMENTARY QUESTIONS

1. How many senators are there in our legislature? What is their term of office? Do all retire at one time?

2. How many members are there in the lower house? What is their term and salary?

3. When are legislators elected and when does the legislature meet?

4. What is a quorum? How many constitute a quorum for each house? What vote is necessary to pass a bill, the first time? over the governor's veto?

5. What are the principal defects of our legislatures? (T. Roosevelt, in his "American Ideals.")

6. Is proportional representation desirable? Is it practical?

7. Should we probably get better legislators if we paid larger salaries?

8. If legislators receive "mileage," should they be allowed to accept railway passes?

9. Would it be better to have less state legislation? (Consult Hart's "Actual Government," § 65.)

10. When and for what term was our present governor elected? What salary does he receive?

11. Which powers mentioned in § 129 may be exercised by our governor? Has he any other important powers?

12. Which of the governor's colleagues are elected and which ones appointed?

13. Give the names of the governor and other important state officials? Who are the senator and representative from our districts at present?

14. Name the different courts in this state, giving the number of judges, their term of office, and the district over which they preside in each case.

15. On the working of state governments, consult Bryce's "American Commonwealth," abridged edition, pp. 366–378.

16. Why is "an ignorant judge but little less dangerous to the public welfare and to individual security than a corrupt justice" (§ 132)?

CHAPTER XII

THE STATE CONSTITUTIONS

State constitutions as the basis of state and local government.

132. Introduction. — We have now considered at some length the character of the state, city, and local governments, and the most important duties which these governments perform. The basis of this whole superstructure of government is the state constitution, which outlines the entire system of state and local government. This written document, which determines the character of all these governments, was adopted at some time in the past by the people of the state, and may be changed by them when a change becomes necessary. These state constitutions of ours are most essential, for they make possible such governments as we have to-day, but it is well to bear in mind that we have them in their present form not only because of our needs at the present time, but for historical reasons as well. In other words, our state constitutions are as much the product of historical development as of our present political conditions.

State constitutions as a product of history.

The colonial charter as an undeveloped constitution.

133. The History of the State Constitutions. — In colonial times, when a colony was established, the king gave to the colony or its leaders a *charter* which was a written document defining the limits of the land granted to the colony by the king and showing

the character of the government that might be established. Most of the colonies lost their charters in time, but three of them — Massachusetts, Connecticut, and Rhode Island — remained under charter governments until the time of the Revolution. Two of these colonies, Connecticut and Rhode Island, were really little republics which governed themselves. When the Revolutionary War broke out, and the new states became independent except of each other, they were anxious to establish republican governments that would obey the people and that could not restrict the rights of the people. They accordingly adopted *written constitutions* modeled after the charters of Connecticut and Rhode Island. These early constitutions were short and often vague, but in time these defects were removed. In fact there has been great danger of going to the other extreme, as our present constitutions are long and involved, covering so many subjects that frequent alterations are necessary, and leaving less discretion to the legislatures than is often desirable.

The revolutionary constitutions.

134. Calling a Constitutional Convention. — Several of the states have constitutional conventions at regular intervals to revise the existing constitutions, but most of them give the legislatures the right to decide when a new convention shall be called. The first step is taken when the legislature passes a resolution asking the voters to signify at the next regular election whether they wish a new constitutional convention. Such a resolution is not passed usually by an ordinary vote, as nearly one half the states demand

Action of the legislature.

that two thirds of the members elected to each house of the legislature approve the resolution before the people vote upon the question. If, at the next election, a majority of the voters favor the convention, the legislature arranges for the election of delegates in districts throughout the state and designates a time and a place for the convention to hold its sessions. The meeting of a convention is an important event, and the delegates are usually selected with great care.

Vote of the people.

Work of the convention.

135. The Adoption of a Constitution. — When its organization has been completed, the convention may decide merely to revise the present state constitution, but frequently the changes are both numerous and radical. After completing its work, it may declare by resolution that the new constitution goes into force the first of the year following, except in about one quarter of the states, the constitutions of which compel the convention to submit the new constitution to the voters for their approval or disapproval. As a rule, however, the conventions voluntarily do this, since it has become an unwritten law in most parts of the Union that popular ratification shall be the last step in the process of framing a state constitution. Then, if the new constitution is not approved, the old one remains in force.

Popular ratification.

First method.

136. The Methods of amending Constitutions. — Changes are constantly occurring in the state constitutions through the adoption of separate amendments. There are two rather different methods of amendment. (1) The proposed amendment is accepted by a fairly large majority in each house of

one legislature, and is then left for the legislature chosen at the next election. If the amendment is approved by this second legislature, a vote is taken upon it at the following state election, and if indorsed by a majority of those voting, it becomes a part of the constitution. (2) Many of the newer states, for the purpose of avoiding the serious delays which are inevitable with the first method, give two thirds of those elected to each legislative house the right to propose amendments, which must be ratified at the polls as in the first method.

Second method.

In order that all amendments may stand upon their own merits, they are submitted separately. Some states are so fearful of frequent changes that they limit the number of amendments that may be proposed at one time, or within a certain number of years. In spite of these precautions, many people think that too many changes occur in the constitutions, and all know that very few of the amendments awaken the popular interest and receive the attention that they should.

Are constitutional changes too frequent?

137. The Contents of the State Constitutions. — The subdivisions of our constitutions are three in number. (1) There are bills of rights which state some general principles of liberty and government, specifying what individual rights shall not be disturbed by the state or local governments or by any public official. (2) The principal parts of the constitutions are the frames of government, including the sections devoted to the composition and powers of the legislative, executive, and judicial branches

Bills of rights.

Frames of government.

Miscellaneous provisions.

of the state government. (3) We have the miscellaneous provisions, the chief of which are the articles upon suffrage, the method of amendment and general revision of the constitution, and upon local government, although those upon education, corporations, taxation, public lands, and public institutions treat of subjects of great interest.

TEXT QUESTIONS

1. Show that "these constitutions of ours are most essential."

2. What was a colonial charter? What influence did the colonial charter have on the development of the state constitution?

3. In what respect are our present constitutions different from the early ones?

4. Give the different steps in the framing of a state constitution at the present time.

5. What two methods of amending constitutions are in use in different parts of the United States?

6. What three subdivisions are to be found in state constitutions?

7. Explain the following terms: "republican governments" (§ 133), "unwritten law" (§ 135), "amendment" (§ 136), "bill of rights" (§ 137), "frames of government" (§ 137).

SUPPLEMENTARY QUESTIONS

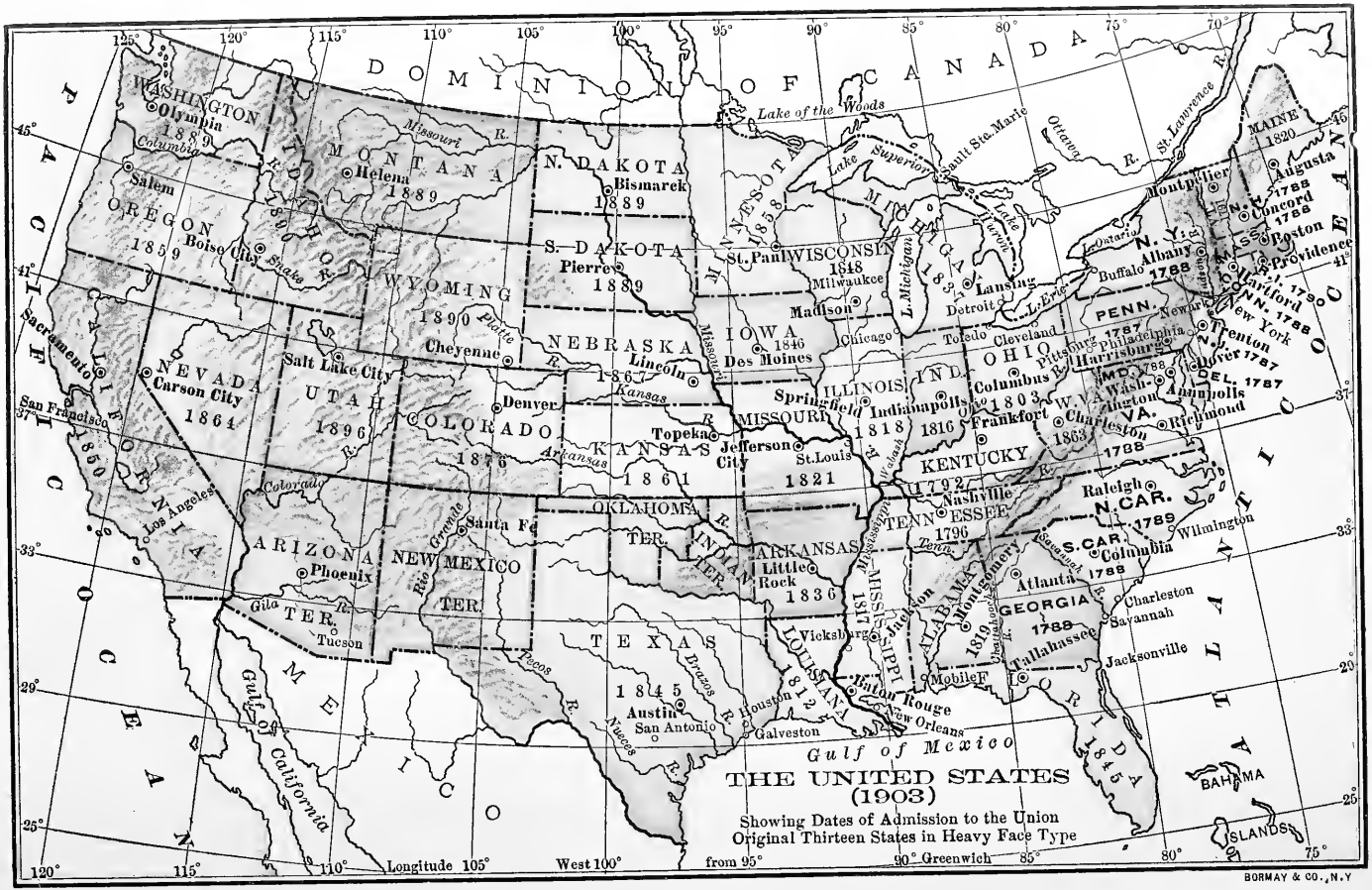
1. What has been the history of our state constitutions? (Bryce, "The American Commonwealth," abridged edition, pp. 297–305, 317–319.)

2. When was our state constitution adopted? What was the ratifying vote?

3. How many constitutions have we had in all? Have any proposed constitutions ever been rejected?

4. How may our constitution be amended? Were any amendments proposed at the last election? Were these adopted or rejected?

5. Are changes in the state constitutions too frequent? (Consult Ashley's "American Federal State," § 414, with marginal reference.)


THE UNITED STATES
(1903)
Showing Dates of Admission to the Union
Original Thirteen States in Heavy Face Type
DOMINION OF CANADA
Gulf of Mexico
MEXICO
WASHINGTON
Olympia
1889
OREGON
1859
Salem
CALIFORNIA
1850
Sacramento
San Francisco
NEVADA
Carson City
1864
IDAHO
Boise City
1890
MONTANA
Helena
1889
WYOMING
1890
UTAH
1896
COLORADO
1876
Denver
ARIZONA
Phoenix
TER.
NEW MEXICO
TER.
Santa Fe
Tucson
N. DAKOTA
Bismarck
1889
S. DAKOTA
Pierre
1889
NEBRASKA
Lincoln
1867
Cheyenne
Salt Lake City
KANSAS
Topeka
1861
OKLAHOMA
TER.
INDIAN TER.
TEXAS
1845
Austin
San Antonio
Galveston
Houston
Gulf of California
MINNESOTA
1858
St. Paul
Lake of the Woods
Lake Superior
Sault Ste. Marie
WISCONSIN
1848
Madison
Milwaukee
Chicago
IOWA
1846
Des Moines
MISSOURI
Jefferson City
St. Louis
1821
ILLINOIS
Springfield
1818
MICHIGAN
1837
Lansing
Detroit
Toledo
Cleveland
INDIANA
1816
Indianapolis
OHIO
1803
Columbus
Pittsburg
KENTUCKY
1792
Frankfort
Nashville
TENNESSEE
1796
ARKANSAS
Little Rock
1836
MISSISSIPPI
1817
Vicksburg
LOUISIANA
1812
Baton Rouge
New Orleans
ALABAMA
1819
Montgomery
Mobile
GEORGIA
1788
Atlanta
Tallahassee
FLORIDA
1845
Jacksonville
Savannah
Charleston
S. CAR.
1788
Columbia
N. CAR.
1789
Raleigh
Wilmington
VA.
1788
Richmond
Charleston
W. VA.
1863
Washington
MD.
1788
Annapolis
DEL.
1787
Dover
PENN.
1787
Philadelphia
Harrisburg
N. J.
1787
Trenton
Newark
N. Y.
Albany
Buffalo
Montpelier
VT.
1791
Concord
N. H.
1788
MASS.
1788
Boston
Providence
R. I.
1790
Hartford
CONN.
1788
New York
MAINE
1820
Augusta
BAHAMA ISLANDS
Lake Ontario
Lake Erie
Lake Michigan
Lake Huron
St. Lawrence R.
Ottawa R.
Missouri R.
Columbia R.
Snake R.
Platte R.
Kansas R.
Arkansas R.
Colorado R.
Rio Grande
Gila R.
Pecos R.
Brazos R.
Nueces R.
Red R.
Ohio R.
Tennessee R.
Cumberland R.
Chattahoochee R.
Yazoo R.
Jackson
Wichita R.
Pawnee
Longitude 105° West 100° from 95° 90° Greenwich 85°
BORMAY & CO., N.Y.

PART III

THE NATIONAL GOVERNMENT

CHAPTER XIII

THE CONSTITUTION OF THE UNITED STATES

138. Introduction. — Having completed our study of the state and local governments, let us now turn to the other half of our governmental system and examine the national government and its workings. In this study we shall find it advisable to begin with the Constitution of the United States, for our national government really did not exist before this Constitution was adopted. Furthermore, as the national government derives its authority from the people through the Constitution, it cannot use any power unless that has been *granted* to the national government by the Constitution, although our state governments may undertake any duties not *denied* to them by their state constitutions or by the Constitution of the United States. It is the more appropriate to study the Constitution at this point, because, as stated in the last sentence, it does deny certain things to the states and has therefore an influence on the character and work of the states which is of great significance and which should be considered in connection

What the Constitution does for the national government.

The Constitution and the states.

Its adoption and amendment.

with the preceding chapters. This important Constitution was drafted in 1787, and ratified by the states during the following year. It has been in force ever since, having been somewhat modified by fifteen amendments adopted since 1788.

Composition and powers.

139. The Second Continental Congress. — When the thirteen English colonies revolted against the rule of the mother country and declared their independence in 1776, their interests in common were protected by the Second Continental Congress, which was composed of delegates from the different states. This Congress, in which each state had one vote, conducted the war, issued paper money, and settled disputes between the states, but no one knew just what powers it had, for there was no document showing what laws it might make.

Powers of Congress under the Confederation.

140. The Confederation. — After repeated efforts, the states were induced to ratify "Articles of Confederation," which provided for a "firm league of friendship" among the states, and enumerated the powers that Congress might exercise. But the states were jealous of Congress, and gave it just as little power as possible. It could not levy taxes, but was obliged to ask the states for what money it needed. When the states neglected to pay these sums, Congress became bankrupt. Although Congress had the right to pass a great many laws, it could not force any one to obey them, because it did not deal with individuals but with the states, and the states did not care to enforce the laws which Congress had made. For several years matters went from bad to worse.

Congress continued to hold meetings, though fewer delegates attended each one. Two attempts were made to give Congress the right of levying duties upon goods imported into the United States from foreign countries. As no change could be made in the Articles of Confederation except by the unanimous consent of the thirteen states, both of these proposed amendments were defeated, one state objecting in each case.

Attempt to amend the articles.

141. Commercial Needs under the Confederation. — The Articles of Confederation had now become practically valueless. Their defects can perhaps be shown most easily by considering the questions of foreign and interstate commerce. We can readily see that the United States could trade with Great Britain or France to advantage only so long as we had the same regulations for this foreign trade in all the states. Yet when Massachusetts attempted to lay duties on goods imported from abroad, Connecticut made her ports free in order to get as much commerce as possible. New York used her fine harbor to help her own commerce and injure her neighbors. Throughout the country state selfishness was destroying trade and injuring our good name abroad.

Injury to foreign and interstate commerce.

142. A Constitutional Convention Called (1786–1787). — At length, in 1786, through the influence of George Washington, Alexander Hamilton, and James Madison, a conference met at Annapolis, Maryland, to decide how our commercial difficulties could best be settled. Only five states were represented at that

The Annapolis conference.

conference, and after some discussion the delegates of these five asked Congress to summon a convention, which, by amending the Articles of Confederation, should make it possible for Congress to protect the commercial interests of all the states.

Members of the convention.

Late in May, 1787, the members of the convention met at Philadelphia in the building famous as the birthplace of the Declaration of Independence. It was a very remarkable gathering of famous men, because every one knew that the time had come for important changes. In addition to Washington, Hamilton, and Madison, there were present many of the ablest statesmen of the Revolutionary period, including Benjamin Franklin, Roger Sherman, John Dickinson, Robert Morris, and Charles Pinckney.

Opening sessions of the convention.

143. The Connecticut Compromise. — The convention opened its sessions by excluding outsiders from its meetings, and by deciding that each state should have one vote as in the Congress. Washington was selected to preside over the convention. Without delay the members declared themselves in favor of forming a *national* government instead of trying to improve the league established by the Articles of Confederation. After a little opposition, they agreed that Congress should be composed of two houses,

Compromise over representation in Congress.

but at this point a difficulty arose. The large states insisted that the number of members in both houses should be proportional to the population of the states, while the small states wished to give each state an equal vote irrespective of its size. For weeks no agreement could be reached, but at length

a compromise was suggested by the Connecticut delegates. In the House of Representatives, each state was to be represented according to its population, but each was to have two senators in the upper house of Congress. This compromise, ordinarily called the Connecticut Compromise, was finally adopted.

Compromises over slavery.

144. Later Compromises. — Other compromises were later found to be necessary because the members from different sections wished to have different provisions adopted. For example, the South wished to count the slaves when the people were enumerated, and desired to have slaves brought to America. The North finally consented to count five slaves as equivalent to three whites and to permit the slave trade for twenty years in return for concessions made by the South in favor of taxation and commerce.

Methods proposed.

145. The Selection of a President. — Very great interest was displayed in the selection of a chief executive, who was to be known as the President. Some of the members wished to have him chosen by Congress, but others argued that he would then be the tool of Congress and would not be independent. Two or three delegates suggested that he ought to be elected by the people, but popular elections were not so common then as now, and the rest treated the suggestion with contempt. The method finally adopted was as follows: each state was to appoint, in such a way as its legislature desired, as many "electors" as it had representatives and senators in

Method adopted.

Congress. These electors were then to meet at their respective state capitals and vote for two persons, the one receiving the largest number of votes being declared President, and the one standing second on the list becoming Vice President.

End of the four months' work.

146. The Closing Sessions. — For four months the members of the convention worked at their stupendous task of making a constitution for the United States. At length on September 17, 1787, their labors were ended and they signed the completed document. As they were doing this, Franklin pointed to the half-sun at the back of the presiding officer's chair and remarked to those near him that during the sessions he had often wondered whether it was rising or setting, but that now he had the happiness to know that it was a rising and not a setting sun.

Prejudices to be overcome.

147. Ratification of the Constitution. — It was one thing for the convention to frame a constitution; it was quite another to persuade the states to adopt it. The members of the convention saw the necessity of such a government as they proposed; the people did not appreciate the evils of the Confederation and were opposed to the creation of a strong national government which might take away their liberties. As the Constitution would not become binding until ratified by conventions in at least nine states, those who favored the Constitution, now called Federalists, worked with a will to secure its ratification. Several of the middle states gave their consent to the Constitution at once, and before the 4th of July, 1788, the

The ratifying conventions.

SIGNING THE CONSTITUTION

INDEPENDENCE HALL, PHILADELPHIA, PA.

necessary nine states had ratified. Some of these, however, did so on condition that the first Congress should submit to the states certain amendments, which, if adopted, would protect the citizens from the national government.

The "bill of rights."

148. Amendments to the Constitution. — Ten of these amendments, constituting a "bill of rights," were in time approved by two thirds of each house of Congress, and ratified by three fourths of the states, that being the principal method of amendment permitted by the Constitution.

The later amendments.

Five other amendments were afterward necessary. One of these changed the method of electing the President, and the last three were adopted at the close of the Civil War, for the benefit of the slaves. The Thirteenth abolished slavery, the Fourteenth made the blacks citizens, and the Fifteenth gave them the right to vote.

Change through interpretation.

Although there have been only fifteen amendments to the Constitution in all and only five if we exclude those in the bill of rights adopted soon after the Constitution went into effect, the Constitution is in fact quite a little different from what it was in 1790. This is due to a broader interpretation of the Constitution, as Congress and the President are now allowed to do many things which the people of one hundred years ago thought were not authorized by the Constitution.

The nation and states inseparable.

149. The Nation and the States under the Constitution. — The name "United States" indicates that this

country is composed of united states, the states therefore being essential parts of this nation. In studying the government of our country, we must not forget on the one hand that the states are essential to the Union — that the Union cannot exist without the states — and on the other hand, that the states are simply parts of the Union and have no existence except as parts of the United States. As a learned chief justice of the United States Supreme Court has said, ours is "an indestructible union of indestructible states." On this account we should distinguish carefully between the two great subdivisions of our government, first the national government, and second the system of state governments. We should study each separately in order to understand what work it performs, but we should also note carefully that each is after all but a part of a whole, that each is incomplete without the other, and that the two have but one object — the government of the American people.

The two subdivisions of American government.

150. Powers of the National Government. — The Constitution of the United States gives a list of the subjects on which laws may be made by our national government. But unless a power is conferred on the national government, it must be left to the states. Among the powers which our Congress may use are the following. Taxes may be levied either in the form of duties on imported goods or of excises on articles manufactured within the United States. Money may be borrowed on the credit of the United States, and money may be coined under the direc-

Enumerated powers of Congress.

tion of the government. Congress regulates foreign commerce and commerce between the states. It has the right to declare war, to raise an army, to construct a navy, and to organize militia within the states. It makes uniform naturalization rules according to which foreigners become citizens, and makes laws under which patents and copyrights are issued. It controls all territory not included within the separate states and admits new states into the Union. And finally, in order that it may have powers that it needs but which may not be especially mentioned in the Constitution, it may make all laws which shall be necessary and proper for carrying into effect any of the powers mentioned above. In addition to these important powers of Congress, the national government through the President and Senate has the right to make treaties.

Implied powers of Congress.

151. Prohibitions on the United States Government. — Besides conferring these powers on Congress, the Constitution mentions certain others which the national government may not use. The most important of these prohibitions are placed on the national government for the protection of individuals. Congress may not establish a state religion nor deny to any one religious liberty, freedom of speech and of the press, or the right to bear arms. Congress may not quarter soldiers on citizens in time of peace nor permit their homes to be searched by national officers without special warrants which describe the property to be seized. Persons accused of crime in national courts must be given every opportunity to

Prohibitions in the amendments for the sake of individuals.

prove their innocence. According to Amendment V, no one may be "deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation." Slavery or involuntary servitude may not be permitted by Congress except as a punishment for crime.

Prohibitions in the Constitution for the protection of individuals.

In addition the national government may not grant titles of nobility, pass bills of attainder, which deprive persons of life or property by act of legislature, nor enact *ex post facto* laws, which consider as crimes offences that were not criminal at the time they were committed. Congress is not allowed to define treason, for a definition of that all-important word is placed in the Constitution itself. The privilege of the writ of *habeas corpus*, which gives an accused person the right of immediate trial, may not be suspended except in case of great danger.

Limitations for the benefit of the states.

There are other prohibitions or limitations less closely related to individual liberty, but intended rather to protect the states. No export duty can be levied by Congress, all duties on imports and internal taxes must be uniform throughout the United States, and no commercial law must apply to one state which does not apply to every other. When a direct tax is levied, it must be in proportion to the population as given in the last census.

Prohibitions for the benefit of the national government.

152. Prohibitions on the States. — Prohibitions have been placed upon the states by the national Constitution for one of two reasons. (1) To prevent the states from interfering with the work of the national

government. (2) To protect citizens of the United States from arbitrary action on the part of the state governments. In order to protect the government of the United States, the states are forbidden to make treaties or alliances with other states or foreign nations, to have an army or navy in time of peace, to levy duties on imports, coin money, emit bills of credit, make anything but gold or silver legal tender in payments of debts, and pass laws impairing the obligation of contract.

Prohibitions for the protection of individuals.

Among the prohibitions or limitations for the protection of individuals are the following: No state shall grant a title of nobility, pass bills of attainder or *ex post facto* laws. No state shall maintain any but a republican form of government, or countenance involuntary servitude, except for the punishment of crime, or deny the elective franchise to any citizen of the United States because of race, color, or previous condition of servitude. Finally, no state shall abridge the privileges or immunities of citizens of the United States, or deprive any person of life, liberty, or property without due process of law.

TEXT QUESTIONS

1. What does the Constitution do for the United States government?
2. What powers did the Second Continental Congress use?
3. Give political, financial, and commercial reasons why the Confederation failed.
4. Describe the events leading directly to the Constitutional Convention.
5. What is a compromise? Why was the Connecticut Com-

promise necessary? What were the provisions of the compromise?

6. What different ways of electing the President were suggested?

7. Why did many people oppose the ratification of the Constitution?

8. How may the Constitution be amended? How many amendments have been adopted since 1789?

9. Mention the most important powers exercised by the national government?

10. Give the chief prohibitions placed by the Constitution on the United States.

11. What prohibitions are placed on the states by the Constitution?

12. Explain the meaning of the following terms: "league" (§ 140), "elector" (§ 145), "Federalist" (§ 147), "broader interpretation of the Constitution" (§ 148), "bill of attainder" (§ 151), "*ex post facto* laws" (§ 151), "treason" (§ 151), "*habeas corpus*" (§ 151), "legal tender" (§ 152).

SUPPLEMENTARY QUESTIONS

1. What temporary unions were formed before 1781? (Ashley, "American Government," §§ 207–212.)

2. How did the states attempt to injure one another commercially under the Confederation? (Fiske, "Critical Period of American History," pp. 142–147.)

3. Did the state selfishness so prominent under the Confederation affect the history of the nation under the Constitution to any extent? To what extent then was the *government* under the Confederation responsible for the commercial difficulties?

4. Was it unfortunate that the Articles of Confederation could not be amended except by unanimous vote? (Consider whether the Constitution would probably have been adopted at that time if the Articles might have been modified.)

5. Tell something about the lives of the three men who were chiefly responsible for calling the Constitutional convention.

6. What influence did the Connecticut Compromise exert in uniting the large and small states?

7. Give in greater detail the provisions of the second and third compromises. (Ashley, "American Government," §§ 227–228.)

8. Which of the proposed plans for the election of President (§ 145) would probably be received with the greatest favor at present?

QUESTIONS ON THE CONSTITUTION

1. How many articles are there in the Constitution proper? How many amendments have been adopted?

2. Memorize the preamble.

3. With what subject does Article I deal?

4. How often are representatives chosen? Who may vote for representatives? Who may be selected? (Art. I, § 2.)

5. For what term are senators elected? What are the minimum qualifications of senators? (Art. I, § 3.)

6. When does Congress meet? (Art. I, § 4, cl. 2.) To what extent does each house regulate its own affairs? May the Senate expel a member without giving a reason for doing so? (Art. I, § 5.)

7. What is the process of making laws? (Art. I, § 7.)

8. Learn the eighteenth clause of Art. I, § 8.

9. How is Congress prevented from abusing its power of spending money? (Art. I, § 8, cl. 12, § 9, cl. 7.)

10. May the President or a congressman accept a present from the king of England? (Art. I, § 9, cl. 8.)

11. What is the President's term of office? May a foreigner be elected President? May a man thirty years old be chosen for that office? (Art. II, § 1, cl. 1, 4.)

12. May the President's salary be increased or diminished during his term of office? (Art. II, § 1, cl. 6.)

13. What are the principal powers of the President? (Art. II, §§ 2, 3.)

14. May the President appoint an ambassador to France without consulting the Senate? (Art. II, § 2, cl. 2.)

15. How are treaties made? (Art. II, § 2, cl. 2.)

16. How are new states admitted to the Union? Can Congress create a state of South California without consulting the California legislature? (Art. IV, § 3, cl. 1.)

17. Can the publication of an ordinary newspaper be prohibited by Congress? (Amendment I.)

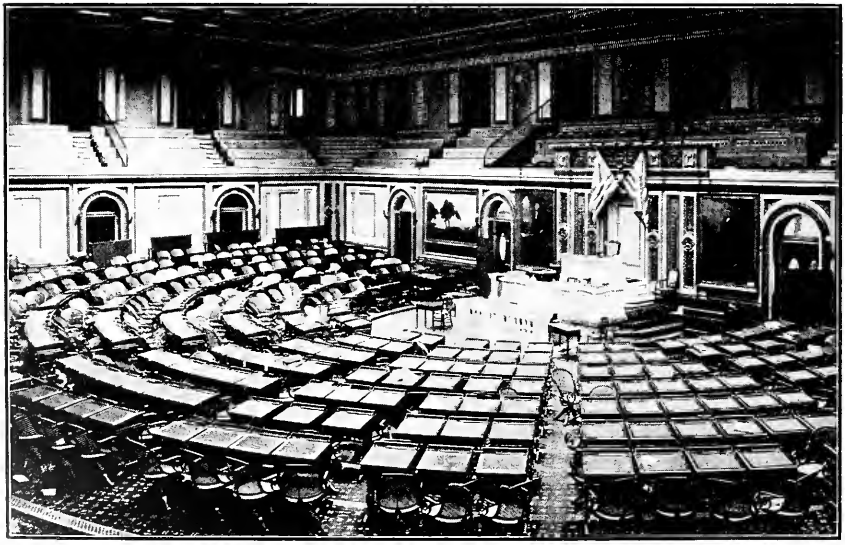
18. May a person be tried twice for the same offence? (Amendment V.)

19. Can Congress authorize the hanging of a person for stealing? (Amendment VIII.)

20. What change did Amendment XII make in the method of electing the President? (Compare it with Art. II, § 1, cl. 2.)

21. What was the purpose of the Thirteenth Amendment? the Fifteenth?

THE SENATE CHAMBER.



THE HALL OF REPRESENTATIVES.

CHAPTER XIV

CONGRESS

153. The Two Houses. — Having seen how the Constitution of the United States was adopted and what relations it has established between the nation and the states, we shall now consider a little more in detail how Congress is composed and how it acts. As we noticed in the preceding chapter, Congress is the body that makes the laws. It is composed of two parts or houses. One of these is called the *Senate*, and consists of two senators from each state elected by the state legislature for a term of six years. At present it has ninety members, as there are now forty-five states in the Union.

Composition of the Senate.

The other house, called the *House of Representatives*, is made up of representatives chosen every second year by popular vote in districts into which the different states are divided. The number of districts in any state depends on its population, but each state has at least one representative. The number at present is three hundred and eighty-six, six states having but one each, and New York having thirty-nine members in the House, as this branch of Congress is usually called.

Composition of the House.

154. The Sessions of Congress. — Whenever a House of Representatives gives place to a new house, once

How congresses are numbered.

in two years, we have a new Congress. For example, the Fifty-seventh Congress lasted from March 4, 1901, to March 4, 1903, being replaced on the second date by the Fifty-eighth.

Long and short sessions.

Each Congress has two regular sessions, one of which begins on the first Monday of December after the Congress comes into existence — that is thirteen months after the representatives were chosen — and continues into the following summer until the chief bills have been passed or postponed. This is called the long session. The second or short one begins on the first Monday of December of the even-numbered years and closes the 4th of March, when the Congress expires by limitation.

Special sessions.

Special sessions may be called by the President whenever he may consider it necessary. When this is done, a proclamation is issued giving the date when Congress shall meet in extra session and setting forth the reasons for its meeting.

Procedure in the legislatures.

155. Election of Senators. — As the senators are supposed to be the special representatives of the states in the national government, they are chosen by the respective state legislatures. Since 1866, the methods used by the legislatures in senatorial elections have been the same throughout the United States. On the second Tuesday after the meeting of a state legislature upon which the election devolves, the members of the separate houses are to name by *viva voce* vote their choice for the position, and a joint session is to be held the next day, a majority of each house being present. If no one is elected on the

first ballot, joint sessions are held daily at noon until a senator is selected, a majority being necessary to elect. Sometimes the legislature fails to agree upon a candidate, and disagreement may even be carried so far that the state has no representative in the United States Senate, as was the case with Delaware in 1902.

Vacancies.

When a vacancy occurs by death or resignation during the recess of the legislature, the governor may appoint some one until the next legislature shall choose a senator in the way just described. But when a legislature has failed to elect a senator and the governor makes an appointment for the vacancy, the Senate refuses to admit the appointee as a member.

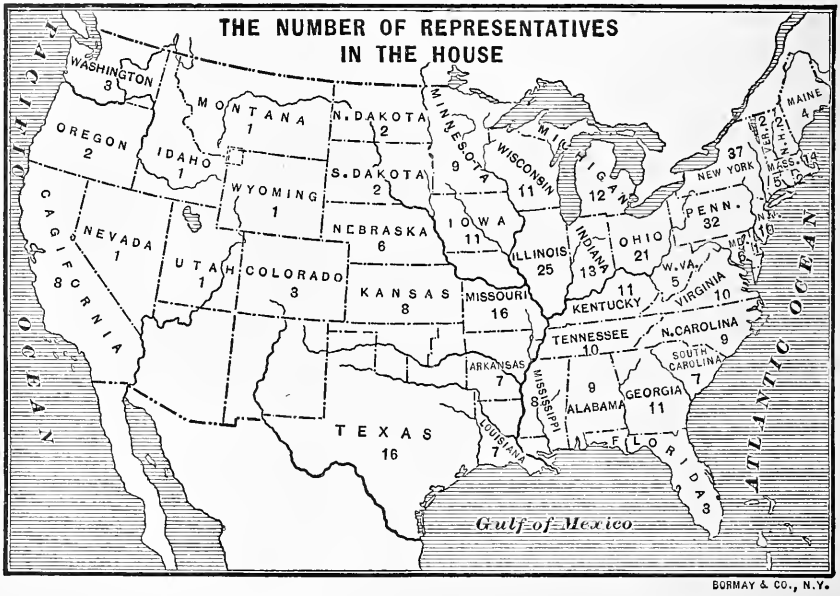
Reasons for the proposed change.

156. Proposed Changes in the Election of Senators. — During the last decade there has been a widespread and constantly growing demand for a change in the method of electing senators. Four successive Houses of Representatives have passed, by almost unanimous votes, resolutions which propose to amend the United States Constitution in order that senators may be chosen by popular vote, but the resolutions have never been discussed in the Senate. As a means of avoiding the protracted contests over senatorial elections in the legislatures, which are becoming more common and seriously interfering with state business, and as a preventive of possible bribery, popular election would undoubtedly be a success.

157. The Election of Representatives. — As the number of representatives from any state depends

Arranging congressional districts.

on its population, a census is taken every ten years, after which Congress decides the number of members to which each state is entitled. The states are then divided by their legislatures into districts which Congress says must contain as nearly the same population as possible and be compact and contiguous.



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Congress is very particular on this point because some of the state legislatures attempt to divide their states into irregular-shaped districts which will give to the political party in power a larger number of members from that state than would be chosen in regular and "compact" districts. This practice of arranging districts so as to give one party more representatives than it deserves, which as we noticed in § 123 is called "gerrymandering," has been used extensively by unscrupulous politicians.

"Gerrymandering."

Within these districts elections are held on the Tuesday after the first Monday in November of the even-numbered years. No one can be chosen a representative unless he is a resident of the state, at least twenty-five years of age, and has been a citizen of the United States at least seven years, for the national Constitution expressly states that these shall be the minimum qualifications of representatives. No one may vote for a representative unless he is allowed by the laws of his state to vote for members of the state legislature. Candidates and voters.

158. The Privileges and Disabilities of Congressmen. — While Congress is in session, its members are privileged persons in order that they may not be prevented in any way from taking part in the task of making laws. They may not be arrested except for such serious crimes as treason or felony or for actual breach of the peace. That they may be free to speak without fear of restraint they are responsible to their House alone for whatever they may say or do in either house of Congress. Privileges of congressmen.

Because of their position in Congress, members are not allowed to hold any other office under the government of the United States. Neither may they be appointed to any office created during their term, or to any office the salary of which has been increased since their last election. This effectually prevents them from making positions to be filled by themselves when their term shall expire. Disabilities of congressmen.

159. The Pay of Congressmen. — In England and in some other countries, members of the national Salaries and extras.

legislature are not paid, as it is thought a less selfish set of men will be secured if no money inducement is offered. As this country has a comparatively small leisure class, congressmen have always received remuneration for their services. At present the annual salary is $5000, with extra allowances for secretaries and for traveling expenses, and the privilege of sending free large quantities of seeds or government publications, which are furnished to them without expense to themselves.

Introduction of bills.

160. The First Step in Legislation. — In order to become laws, bills must be passed by both houses of Congress and approved by the President. Bills are first introduced in either the Senate or the House, the process in the House being to deposit the bill on a specified day in a box provided for that purpose. The bill is then sent to the committee which has charge of all matters similar to that presented in this bill. As it is only one of hundreds, it may be ignored entirely by the committee, or it may be discussed briefly and then dropped. If the committee is interested in this measure, or if its importance demands a report, the bill is at length reported to the house, which will consider it if time permits and the bill seems to deserve consideration. Attended by good fortune, it may have been read three times in full or by title, have been discussed and possibly amended, and finally come to a vote.

A bill in committee.

Report and discussion.

The three methods.

161. How Votes are Taken. — This vote may be taken simply by calling for the ayes and noes, the

WHITE HOUSE
JAN 20 1903
RECEIVED.

H. R. 15006.

Fifty-seventh Congress of the United States of America;

At the Second Session,

Begun and held at the City of Washington on Monday, the first day of December, one thousand nine hundred and two.

AN ACT

To establish Portal, North Dakota, a subport of entry and extend thereto the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Portal, North Dakota, be, and is hereby, designated a subport of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport.

Speaker of the House of Representatives.

President of the Senate pro tempore.

Approved,
January 22, 1903.
Theodore Roosevelt

THE FORM OF A LAW.

presiding officer deciding from the sound whether the measure has passed. A rising vote may be taken, or, if one fifth of the members wish to have the roll called, the clerk reads the names of the members alphabetically, the vote of each being recorded. When the roll is called unexpectedly, there is always an interesting hunt for the members of the house who may be in the building, but not in the legislative hall. A majority of those present is necessary in any case for the passage of the bill.

How vetoed bills may become laws.

162. The President's Veto.— When the bill has been passed by one house, it must follow the same routine in the other, and, if approved by that body, it is sent to the President for his signature. The President usually signs the bills presented to him, but if, for any reason, a measure is disapproved by him, he may return it to the house in which it originated, with the reasons for his failure to sign. This is called the "veto" from the Latin word meaning "I forbid." Vetoed bills can become laws only when approved a second time and by two thirds of those present in each house. Because it is always difficult to get two thirds of the members to vote for most measures, and because the President's reasons for vetoing the bill will influence many to vote against it, few bills are ever carried against the wish of the chief executive. Vetoes are not frequent, however, and several Presidents have held office for four or even eight years without using their right of veto a single time.

Bills which the President neglects or refuses to

sign within the ten days allowed by the Constitution become laws without his signature, provided Congress has not meanwhile adjourned. For if Congress adjourns and does not give the President ten days for the return of a bill, it deprives him of the opportunity to use the veto. On that account bills passed within ten days of the close of any session fail unless actually signed by the President. When the President prevents a measure from becoming a law in this way simply by refusing to sign it, he is said to have used the "pocket veto."

Neglected bills.

The pocket veto.

163. Observations on the Making of Laws.—No one can complain that we have too few laws. Twenty-eight hundred was the number passed during the last Congress, which held but two sessions. Yet seven eighths of the bills introduced in Congress during those two years failed to become laws. Many of the measures which were passed were unimportant private bills which took up little time, but when we consider the number of bills on questions of great public interest that must be considered, we can see that neither house can devote very great attention to any measure, but must rely on the committee which has it in charge. If the committee's report is favorable to the bill, it may be passed without discussion or consideration.

The problem of handling the large number of bills.

Of the methods used to secure the passage of bills, two are particularly interesting. When a partisan measure has been introduced, and it is desirable to get for it the vote of every member of the party, a "caucus" or meeting of all the members of that

Use of the caucus.

party is called to discuss the bill. Whatever action the caucus favors will be binding on all of its party members in attendance at the meeting.

Log-rolling.

Votes for measures of local interest are obtained by what is known as "log-rolling," on the principle that "I shall help you with your bill, if you will help me with mine."

Importance of the committees.

164. The Committees. — As nearly twenty thousand bills are introduced during every Congress, most of them can be considered only in the committees, of which there are over fifty in each house. The influence of the committees in law making can be seen readily from the preceding sections, since it is possible for them to defeat a bill simply by ignoring it. More than once pet measures of one house have been sent to the other, only to be "killed in committee." Furthermore, on account of the large number of bills reported, only those are likely to be considered which a committee especially favors. So important is the part played by the committees in legislation that many people say that we have a "government of committees."

Size and membership of the committees.

In size committees vary greatly. The most important committee in Congress, the Committee on Rules in the House, which decides what bills shall be discussed by that body, consists of only five members. Most of them are much larger, and some have as many as seventeen members. The majority on all committees of the House and on most committees in the Senate belong to the political party which has the most members in those chambers. On that

account, if the Republicans have a majority in the House, no party measure favored by the Democrats is ever likely to be reported by a committee, the majority of whose members are Republicans.

Position of the Speaker.

165. The Speaker of the House of Representatives has more power than any other person in Congress. His power is in fact greater than that of any other government official except the President. The Speaker is a member of the House, who has been chosen by the party in power to preside over its meetings. He is, therefore, the great leader of his party among the representatives. His chief powers are four in number. (1) He appoints all of the committees and selects their chairmen. (2) When bills are introduced, he assigns them to the committees. This gives him an opportunity if the bill might be sent to either of two committees to select the one most likely to report such a bill as he desires. (3) No one can speak in the House, unless he receives permission from the Speaker. The House does not follow the custom used in clubs that the first person addressing the chair shall be allowed the floor, and the Speaker may therefore give his friends every advantage. (4) He is the chairman of the Committee on Rules, the most powerful of the House committees.

Powers of the Speaker

166. Impeachment Cases. — In addition to the part which each house takes in the making of laws, it has certain *special* powers not enjoyed by the other chamber. In the case of impeachment, for example, the powers of the houses are different. Impeach-

Special powers of the houses.

What impeachment is.

ment is the process of bringing charges against public officials who are believed to be guilty of "treason, bribery, or other high crimes and misdemeanors." The men who framed the Constitution (§§ 143–146) thought that Congress must have some check on the executive officials of the government and on the judges to prevent corruption or abuse of power. They gave to the House of Representatives the right to impeach, that is, bring charges against, any civil officer of the United States. The case is tried in the Senate, which sits as a court and hears the testimony for and against the official. Two thirds of the senators present must vote for his conviction to prove him guilty; but if convicted, he is removed from office and prevented from holding any other office of trust or profit under the United States.

Trial of the impeachment cases.

Use of impeachment.

167. History of Impeachment. — During the one hundred and fifteen years since the government was organized, only seven persons have been accused by the House, and of these but two were declared guilty in the Senate. As the distinguished English statesman, Mr. James Bryce, has said, "Impeachment . . . is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy, it is unfit for ordinary use." Of the historical impeachment trials, the one of President Andrew Johnson in 1868 was especially noteworthy. The feeling in Congress against the President was bitter because he advocated a reconstruction policy distasteful to the law-making branch, and because of offensive language used concerning Congress, yet less than two thirds

Impeachment of President Johnson.

of the senators favored his conviction, and Johnson was acquitted.

Procedure with treaties and appointments.

168. Executive Sessions. — The most important special powers of the *Senate* relate to the ratification of treaties and the confirmation of appointments. As the treaties and appointments are made by the President, and as these matters are usually considered in secret, the Senate holds what are called "executive sessions." When the draft of a treaty is sent by the President to the Senate, the galleries of the Senate chamber are cleared, the doors are closed, and the senators express their sentiments with greater freedom than under ordinary circumstances. As it may be advisable to keep *secret* many provisions of a treaty, discussion behind closed doors is necessary to protect the interests of the United States. It is difficult, however, to keep these proceedings entirely secret, and the public usually knows within a short time much about what was done in the executive session.

Vote on treaties and appointments.

In order to ratify a treaty, two thirds of the senators must vote for it, but when the President selects a public official, a majority of the Senate may consent to his appointment.

Bills for raising revenue.

169. Financial Bills. — The most important of the special powers of the *House* is that which permits it to propose all bills for the raising of revenue. The Senate may amend these bills, but the House devotes more time to financial measures than to any other kind. Bills for the raising of revenue are referred to the Committee on Ways and Means. When a new

tariff is desired, this committee proposes a list of imported articles to be taxed, and suggests the rates to be paid on each. Although the bill may be greatly altered in the House and in the Senate, the tariff is usually named after the chairman of the Ways and Means Committee. For example, the tariff proposed by William McKinley in 1890, as chairman of this committee, is known most commonly as the McKinley Tariff.

Appropriation bills.

The House spends a great deal of time considering bills that appropriate money. Many of the expenses of the government are about the same every year, for example, the salaries of government officials and employees; but many others depend on the wishes of Congress, as the amount that shall be appropriated for new battleships, or for public buildings, or for river and harbor improvements. If the revenues permit, Congress is likely to be extravagant in expending money.

TEXT QUESTIONS

1. How does the term of a senator compare with that of a representative? How does the Senate compare in size with the House?

2. How many regular sessions has each Congress? When do they begin? Who may call extra sessions?

3. How are senators elected? Why do so many people favor the election of senators by popular vote?

4. Does the arrangement of congressional districts and the election of congressmen differ from the arrangement of legislative districts and the election of legislators? (§§ 123, 124.)

5. What special privileges has a congressman? What salary and financial advantages does he have?

6. In what different ways are votes taken on a bill?

7. What is the difference between the ordinary veto and the pocket veto?

8. Why are committees necessary in transacting public business?

9. Why is the Speaker of the House second in power to the President?

10. Describe the purpose, process, and effect of impeachment?

11. What executive business is transacted by the Senate?

12. How does the House raise a revenue? To what extent are the expenditures of Congress controlled by the House?

13. Explain the following terms: "proclamation" (§ 154), "*viva voce* vote" (§ 155), "gerrymandering" (§ 157), "adjourns" (§ 162), "pocket veto" (§ 162), "caucus" (§ 163), "log-rolling" (§ 163), "killed in committee" (§ 164), "impeachment" (§ 166), "executive sessions" (§ 167), "appropriation bills" (§ 169).

14. Explain the expressions: "Congress expires by limitation" (§ 154), "As a preventive of possible bribery, popular election would undoubtedly be a success" (§ 156), "As this country has a comparatively small leisure class" (§ 159).

SUPPLEMENTARY QUESTIONS

1. What is the number of the present Congress? When were the representatives in the present House chosen?

2. Who are the senators from this state? When do their terms expire? How long have they represented us in the Senate? ("Congressional Directory.")

3. Name several senators of prominence. Have any senators served in that body more than twenty-five years? ("Congressional Directory.")

4. How many members of each political party are there in the Senate and in the House? (Newspaper Almanacs.)

5. On the working and influence of the Senate, consult Bryce, "American Commonwealth," abridged edition, pp. 83–93.

6. How many congressional districts are there in this state? In which one do you live? Which counties (if more than one) are comprised in it? (Newspaper Almanacs.)

7. To what professions do the representatives belong? (Bryce, "American Commonwealth," abridged edition, pp. 97–98.)

8. How does the House do its work? (Bryce, "American Commonwealth," abridged edition, pp. 108–114.)

9. What influences have the greatest effect on Congress? (Hart, "Actual Government," § 115.)

10. Some humors of Congress are described in *Century Magazine*, LXV (1903), pp. 760–768, 938–945.

11. The committees and their work. (Bryce, "American Commonwealth," abridged edition, pp. 115–119.)

12. Show why we have a "government of committees."

13. Who is the Speaker of the House? What chairmen of committees are especially prominent?

14. How are impeachment cases tried, and what trials have been important? (Harrison, "This Country of Ours," pp. 148–158.)

15. What was the reconstruction policy advocated by President Johnson? by Congress? (Channing, "Student's History of the United States," §§ 379, 382.)

16. On the treaty-making power of the Senate, consult *Scribner's Magazine*, XXXI (1902), pp. 33–43.

THE WHITE HOUSE.

CHAPTER XV

THE PRESIDENT AND HIS CABINET

Reasons for his prominence.

170. The President's Position and Power. — To be President of the United States has for over a century appealed to the boys of this country as the fulfillment of their greatest desire. And it is surely a noble ambition that seeks to obtain the highest office within the gift of the American people. The President of the United States, chosen by his fellow-citizens to the most exalted position in the land, the representative of the nation's power and dignity in all international relations, the commander in chief of our army and navy, and the head of our national government in times of peace, is little inferior in authority to the greatest of crowned monarchs, and occupies the position of greatest honor among the rulers of the nations.

Selection of delegates.

171. The Meeting of a Nominating Convention. — Presidential elections occur every four years on leap years, the people in the different states voting for candidates nominated for the office by political party conventions (§ 28). In the early summer of the presidential years, the conventions meet usually in one of the larger cities of the central states. The delegates who attend these conventions come from every state in the Union and from the territories,

each state electing twice as many as it has members of Congress. In round numbers a thousand delegates gather on the floor of the convention hall, each state seated by itself, with banners to mark its location. The remainder of the hall, often seating ten thousand people, is filled with enthusiastic throngs ready to cheer their favorites.

The process of nomination.

172. The Nomination of Presidential Candidates. — The two important duties of the convention are the adoption of a "platform," which is a formal statement of the party's principles, and the selection of the candidates. The first invariably precedes the second. Then begins the contest for the selection of the party's nominee. Sometimes only one name is suggested for the nomination, as was the case when Theodore Roosevelt was nominated by the Republican convention of 1904. More often eight or ten names are presented in laudatory speeches which are received with prolonged cheering in the galleries. The roll of the states is called then alphabetically, ballots being taken until some one has a majority of the whole number cast, or two thirds in the Democratic convention. At times no choice can be made from the principal contestants for the position, and after many futile ballots, a new man or "dark horse" is brought forward and receives the honor.

Practical and constitutional qualifications of candidates.

The person chosen may be a statesman of recognized standing and experience, but almost as frequently the prize is given to a prominent general or to a comparatively unknown man who has played a minor rôle in public affairs. As the constitution re-

quires that the President shall be a native-born citizen of the United States, at least thirty-five years of age, and a resident of the United States at least fourteen years, no one lacking those qualifications is ever named.

Vice-presidential candidates.

The selection of a candidate for the vice presidency usually gives little trouble, the leader of a minor party faction or the favorite son of a close state often being chosen.

The two steps in the election.

173. The Election of a President. — Following the nomination, there are two steps in the election of a President. The first takes place on the Tuesday after the first Monday of November, when the voters in the different states choose presidential "electors" who equal in number the senators and the representatives from their state. The second occurs two months later, the "electors" meeting at their respective state capitals and forwarding their votes for President and Vice President to Washington, where they are counted in the presence of both houses of Congress by the president of the Senate.

The election campaign.

Popular interest of course centers in the November election, because the proceedings after that time are formal in nature. For several months preceding the election, partisan speakers have been addressing audiences in every city and village, thousands of cartoons have been sent out, and millions of campaign circulars distributed. Clubs have been organized, parades and other demonstrations given, and house to house canvasses made to learn how each man will vote. Every effort is made by the permanent party

committees (§30) to insure the election of their candidates. When election day comes, those may vote who are permitted to vote for members of the legislatures in the different states, since there is no national election law.

Election by the House of Representatives.

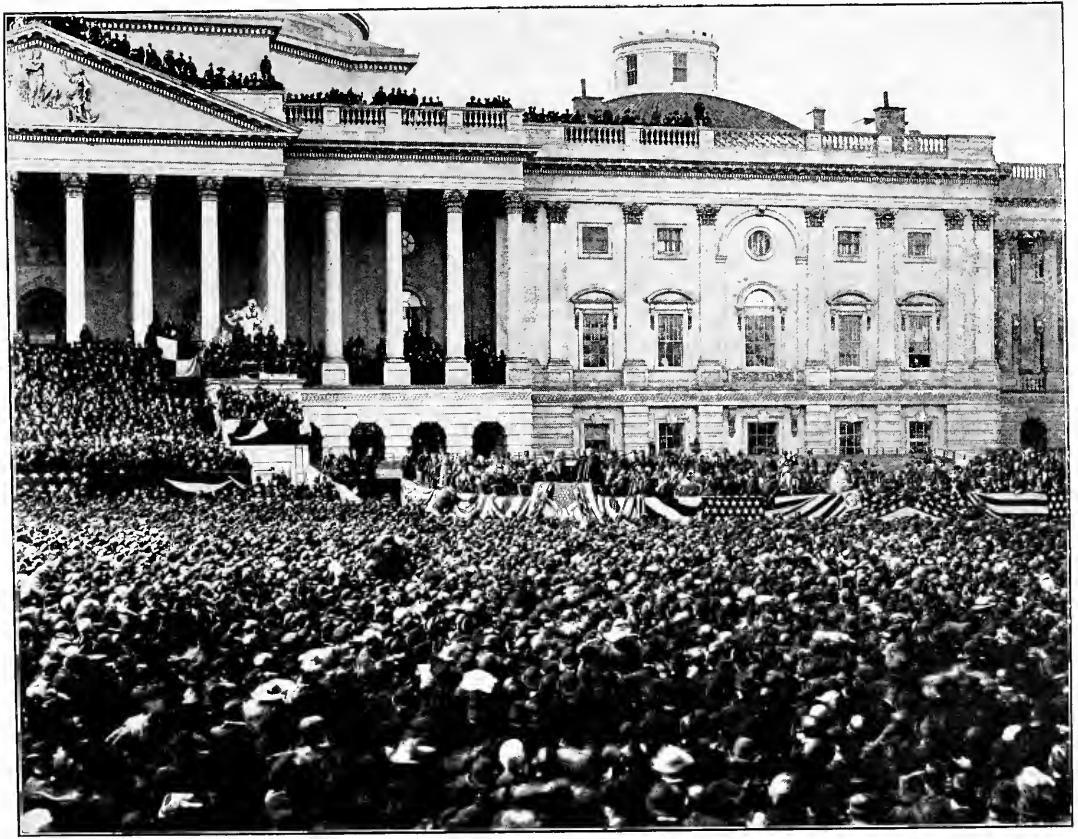
If no candidate for President has a majority of the four hundred and seventy-six "electors," the House of Representatives chooses one from the three candidates who had the largest number of votes, the representatives from each state having one vote, and a majority of all the states being necessary to elect the President. When the "electors" fail to choose a Vice President, the Senate selects one from the two candidates who have the largest vote.

The Inauguration.

174. The Inauguration, Term, and Salary of the President. — On the 4th of March following his election the President-elect is inaugurated. Before an immense throng the oath of office is administrated by the Chief Justice of the Supreme Court. It is in this form, "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." This ceremony is followed immediately by the President's inaugural address.

"Third term tradition."

The President remains in office for four years, but may be reëlected for another term. In fact there is nothing in the Constitution or the laws of the United States which would prevent any President from holding office a third term. But Washington and Jefferson, for personal reasons, refused a third term, and



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INAUGURATION OF A PRESIDENT.

(Chief Justice Fuller administering the oath of office to President-elect McKinley, March 4, 1897.)

there exists a remarkably strong prejudice against retaining any President in office longer than eight years.

Salary of the President.

The President receives a salary of $50,000 a year, in addition to the use of the White House and the necessary expenses of maintaining that executive mansion, not including any personal or family expenses, however.

The Vice President.

175. The Presidential Succession. — If a President dies during the term for which he has been elected, his place is taken by the Vice President who was chosen at the same time. The vice presidency was really created for that purpose, although the Vice President also presides over the sessions of the Senate, a position of considerable dignity but of comparatively little power.

Succession of Cabinet officials.

Five times during our history has a Vice President been called upon to assume presidential duties because of the death of the chief executive, but never have both the President and Vice President died during the same term of office. As that might occur, there is a law providing that in case of the death of both, the Secretary of State shall fill the office of President, until a new President can be chosen, and after the Secretary of State, the Secretaries of Treasury, War, Navy, and other members of the Cabinet shall be eligible.

Control of foreign military affairs.

176. The Military Power of the President. — The President is by virtue of his office the commander in chief of the American army and navy. Being states-

men more often than generals, our Presidents usually leave the direction of military affairs to their Secretaries of War and to the leaders of the army. But the wishes of the President often overrule those of his generals, although no President has ever yet taken personal command of an army when hostilities occurred during his term. The President is not allowed to declare war, as the Constitution permits Congress to do that, but he may bring on a conflict by commanding the army to attack a foreign power.

Preservation of internal peace.

United States troops may be called forth by the President in time of disorder to protect government property or to permit the carrying of the United States mails. This is often done in times of widespread strikes affecting many lines of railways. The President may also call out the militia to aid the regulars on such occasions.

Presidential offices.

177. Appointments made by the President. — As soon as the result of a presidential election is known, the successful candidate is besieged by applicants for positions. As the President is allowed to nominate over five thousand officials to places of importance, the demand made upon his time by those who desire office is very great, especially during the months following his inauguration. But the nomination is only the first step, for every nominee must be approved by the Senate before he is appointed. This relieves the President of a large part of the work in selecting nominees, as often the senators decide whom they wish in an office located within their own states, and ask the President to appoint the men of their choice.

Double system of appointment and its results.

This also reduces to a great extent the real power of the President in appointment, for a friend of his can often be selected for positions within a state only in case he meets with the approval of the senators from that state. This double system of appointment is objectionable for the additional reason that we cannot always tell who is to be praised for the selection of a good man or blamed for the appointment of one that is incompetent.

Extension of the spoils system.

178. The Spoils System and the Civil Service Commission. — Our first Presidents made appointments chiefly for fitness; but, after the election of Jackson in 1828, every President removed many officials, appointing members of his party to the positions made vacant. The reason given was that no President could do good work unless his subordinates held political views like his own and worked with him, but the real reason, as one of Jackson's followers said, was their belief that "to the victors belong the spoils." From this remark came the name of "the spoils system," which has since been applied to the system of turning out your opponents to make place for your friends. After Jackson's time, the spoils system grew in favor until it became customary for an incoming President and his followers to remove almost every government official and employee appointed by the other political party. Since the persons selected for these offices did not usually have any training for their work and were often unfit for responsible positions, the United States became noted for the inefficiency of its employees.

Results of the spoils system.

Civil service reform.

In time, the civil service of our country became so poor that the people demanded a change. After one or two ineffectual attempts at reform, Congress, in 1883, passed the Pendleton Bill, which provided for a Civil Service Commission to examine applicants for positions. Only a few places were filled by competitive examinations at first, but the number has constantly increased until now more than one half of the persons connected with our national government are appointed solely on merit.

Before 1867.

179. The President's Power of Removal. — The Constitution does not state how removals shall be made, but by custom it is now left exclusively with the President, although for twenty years officials could be removed only with the consent of the Senate. Having so much influence in appointments, the Senate would naturally wish to be consulted in removals as well. The First Congress, however, passed a resolution which declared that the President was not obliged to obtain the consent of the Senate. This practice remained unchanged until, in 1867, Congress passed the famous Tenure of Office Act, requiring the indorsement of the Senate for both removals and appointments. In 1887 this law was repealed, and the power again given to the President alone. When an official resigns or is removed during a recess of the Senate, his successor may hold office without confirmation until the close of the next session of Congress.

The Tenure of Office Act.

The annual message.

180. Presidential Messages. — Whenever Congress meets in regular or special session (§ 154), the Presi-

dent sends to the two houses a message on public affairs. The messages sent at the beginning of the regular sessions in December are very long documents which contain a great deal of information regarding the foreign relations of the United States or other public matters which have been prominent during the preceding year. Suggestions are usually made regarding laws most needed by the country, but, of course, Congress is not in any way bound to follow the suggestions unless it chooses to do so.

Special messages.

The special messages usually deal with one subject only. They may be submitted at the beginning of special sessions, or may be sent at intervals when the President wishes to communicate with Congress. Congress is not easily influenced even by special messages except on rare occasions. For instance, when in the spring of 1898 the people were eager for war with Spain, and President McKinley asked for $50,000,000 to be used in rendering the army and navy more efficient, the money was voted without delay by unprecedented majorities.

Executive, legislative, and judicial powers.

181. Miscellaneous Powers of the President. — Our President has charge of all negotiations with foreign nations.[1] He sends and receives ambassadors, and makes treaties, which become part of the law of the United States when ratified by two thirds of the Senate. He may call special sessions of Congress, and may adjourn that body if the two houses cannot agree on a time. He may veto bills which can be repassed only by a two thirds vote of both houses.[2]

[1] § 200. [2] § 162.

He may grant reprieves to offenders and may pardon any one who has been convicted of breaking a national law, except in the case of officials convicted after impeachment.

Members of the Cabinet.

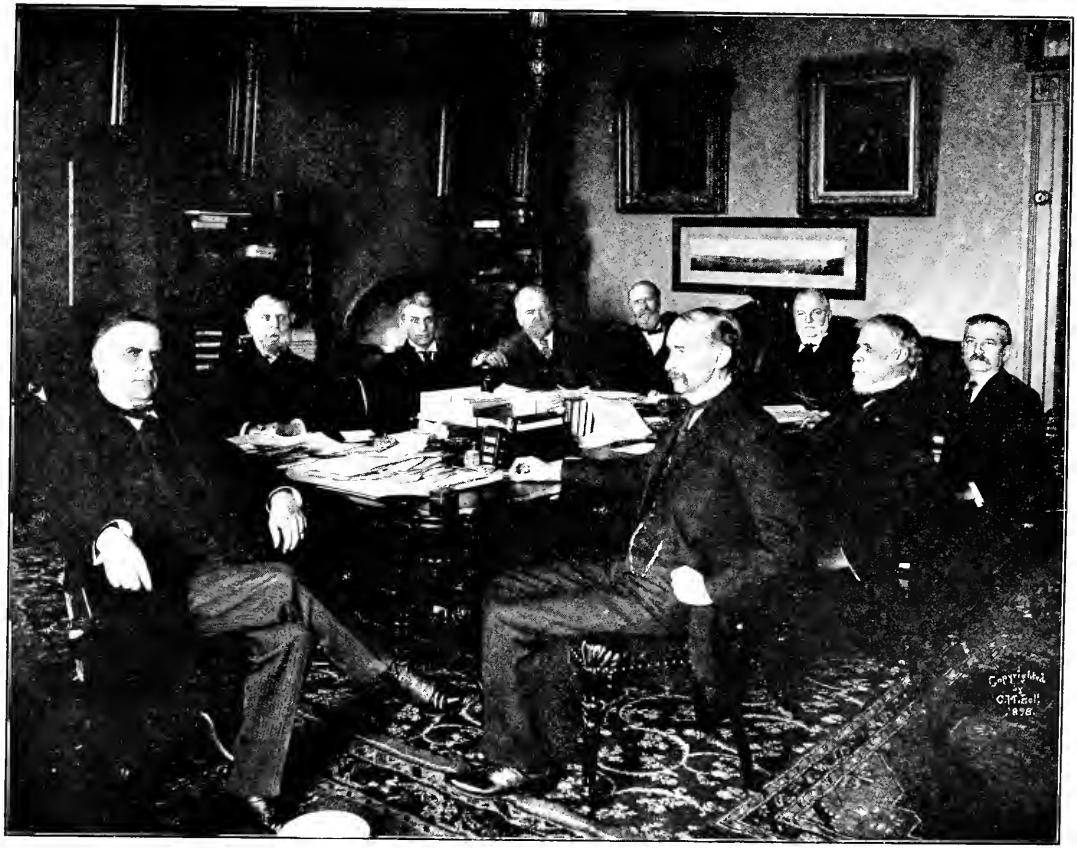
182. The President's Cabinet. — The President is aided in the execution of all laws by a set of nine officials selected by himself and known as his Cabinet. These men are the Secretaries of State, Treasury, War, Navy, Interior, Agriculture, and Commerce, the Postmaster-General and the Attorney-General.[1] Twice a week they meet in the executive offices at the White House and discuss important public questions. But they do no more than advise the President, for he is not compelled to heed their advice, and, if it seems to him best, he may follow a policy the exact opposite of the one proposed or favored by his Cabinet. But as these men were chosen by him for their positions, and are therefore in sympathy with his general policy, it is unusual for a President and his Cabinet to disagree.

Duties of the Cabinet.

Action on important and unimportant subjects.

183. The President and the Heads of Departments. — Each secretary is allowed to carry on the work of his department in his own way, because most of his duties are connected with matters of detail. The

[1] The departments were organized in the following order: the Department of State, July 27, 1789; the Department of the Treasury, September 2, 1789; the War Department, August 7, 1789; the Post Office Department, May 8, 1794; the Navy Department, April 30, 1798; the Interior Department, March 3, 1849; the Department of Justice, June 22, 1870; the Department of Agriculture, February 9, 1889; the Department of Commerce and Labor, February 14, 1903.



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A CABINET MEETING.

(President McKinley and Cabinet, 1898.)

President naturally insists that his wishes shall be followed in regard to all subjects of importance, in order that the Cabinet shall have one policy and not nine. In minor matters he is likely to yield to the preference of the secretary if there is any difference of opinion between them. "The habit is to give an afternoon to each cabinet officer on a fixed day of the week. These meetings are mainly given up to the consideration of appointments, but, if any other matters are pending, and deemed by the secretary of sufficient importance, they are presented and discussed. The cabinet officer is chiefly entitled to the credit if his department is well administered, for most things he transacts on his own responsibility. His labors are incessant and full of care." [1]

The Department of State.

184. The Older Executive Departments. — The *Department of State* enjoys the honor of being placed first among the executive departments, its secretary being the first among the Cabinet officers in the succession to the presidency, and having almost exclusive charge of all foreign affairs, including the negotiation of treaties.[2]

The Treasury Department.

The *Treasury Department* has at times occupied a position more prominent than that of even the Department of State. It has control of all financial operations of the government,[3] including the receipt and expenditures of public money, the issuance of coins and currency, and the control of national banks. The secretaries have exerted greater influence on

[1] Harrison, "This Country of Ours," p. 107.

[2] See §§ 200–202. [3] See §§ 45–50, 207–212.

the financial policy of the United States than have members of Congress.

War, Navy, Justice, and Post Office Departments.

The *War Department* and the *Navy Department* have charge of all routine matters relating to the army and the navy, their secretaries being the direct representatives of the President, whom the Constitution names as the commander in chief of the military and naval forces of the United States. The *Attorney-General*, at the head of the Department of Justice, is the legal adviser of the President and the representative of the United States in all important suits brought before the Supreme Court in which the government is a party. The *Post Office Department* conducts the great business of the United States mails as described in a later chapter.[1]

Department of the Interior.

185. The Newer Departments that look after Internal Affairs. — None of the other departments deal with such a variety of duties, important and unimportant, as the *Department of the Interior*. It has supervision of the land laws of the United States,[2] including the surveys of the public domain, the forest reserves, the distribution of farms under the Homestead Act, and the construction of dams for the irrigation of arid regions. It cares for the Indians who are still on reservations. The pension laws and the patent laws are carried into effect under its direction.[3] Many other duties relating to internal affairs are left in its charge.

The *Department of Agriculture* does a large amount

[1] See §§ 213–216. [2] Consult §§ 226–231.
[3] Consult §§ 199, 217.

of investigating and experimenting with a view of learning what varieties of grains and vegetables can be grown most advantageously by the farmers of the country and what agricultural methods are best under different conditions. Its most practical work is performed through the weather bureau, which has men stationed at different points to observe weather conditions and to foretell the probable state of the weather during the succeeding twenty-four hours. The bureau saves millions of dollars annually to the farmers and shippers by predicting storms.

Department of Agriculture.

The *Department of Commerce* seeks to develop a market abroad for our products, to protect commerce along our seacoasts, and to control monopolies that seek to injure the public. It looks after the census which is taken every ten years, and examines the immigrants who wish to enter the country.

Department of Commerce.

TEXT QUESTIONS

1. Why is the position of the President one of the greatest prominence?
2. How are delegates selected for a national convention?
3. What constitutional qualifications must every presidential nominee possess? What practical qualifications usually have most weight with the convention?
4. Describe the two steps in the election of a President.
5. Why are there four hundred and seventy-six presidential electors?
6. What is the real reason we need a Vice President? Who becomes President if both the President and Vice President die during their term of office?
7. To what extent is the President the real commander of our military forces?

8. Why do senators frequently select officials supposed to be appointed by the President?

9. How did the spoils system gain a foothold in this country, and why is it objectionable?

10. Give the history of the President's power of removal.

11. What is the difference between a regular message and a special one?

12. Which one of the President's powers is the most important?

13. What officials comprise the President's Cabinet?

14. Explain the following terms: "presidential year" (§ 171), "platform" (§ 172), "dark horse" (§ 172), "minor party faction" (§ 172), "electors" (§ 173), "inauguration" (§ 174), "presidential succession" (§ 175), "civil service" (§ 178), "Civil Service Commission" (§ 178), "recess of the Senate" (§ 179), "unprecedented majorities" (§ 180), "reprieves" (§ 181), "Cabinet" (§ 182), "legal adviser" (§ 184), "public domain" (§ 185), "forest reserve" (§ 185), "Indian reservation" (§ 185), "weather bureau" (§ 185), "monopolies" (§ 185).

SUPPLEMENTARY QUESTIONS

1. During the last presidential campaign, was there any contest for the nomination in the Republican or Democratic convention?

2. Who were the candidates of the two great parties? Who was elected? by what popular plurality? by what plurality in the electoral college?

3. How is a President elected? (*Scribner's Magazine*, XXVII (1900), pp. 643–656.)

4. Why are not great men chosen Presidents? (Bryce, "American Commonwealth," abridged edition, pp. 58–63.)

5. Give the history of the disputed election of 1876. (Ashley, "American Government," § 364.)

6. Under what circumstances has the President been elected by the House of Representatives? (Ashley, "American Government," § 365.)

7. The overworked President. (*McClure's Magazine*, XVIII (1902), pp. 483–492.)

8. The life of the President. (Harrison, "This Country of Ours," pp. 159–180.)

9. On the President's patronage, consult Bryce's "American Commonwealth," abridged edition, pp. 44–48.

10. The Civil Service commission and its work are described in Hart's "Actual Government," § 134.

11. For what reasons is the double system of appointment (by President and Senate) objectionable?

12. Give the history of the controversy over the Tenure of Office Act of 1867.

13. What President vetoed the most bills? Which one had the largest number of important ones passed over his veto?

14. What Secretaries of State or of the Treasury have become President? (Newspaper Almanacs.)

15. What is the relation of the President to his Cabinet? (Harrison, "This Country of Ours," pp. 104–107.)

16. What work does the Treasury Department perform? (*Scribner's Magazine*, XXXIII (1903), pp. 400–410.)

17. "The Navy Department," *Scribner's Magazine*, XXXIII (1903), pp. 567–577, *Outlook*, LXXIII (1903), pp. 323–337.

18. "The Department of the Interior," Harrison, "This Country of Ours," pp. 268–288.

19. How is navigation along our coasts protected? (*Cosmopolitan*, XXV (1898), pp. 358–365.)

20. How was the twelfth census taken? (*Munsey's Magazine*, XXIII (1900), pp. 387–394.)

21. Fill out the following table: —

MEMBERS OF THE CABINET

OFFICE	YEAR APPOINTED	NAME OF PRESENT INCUMBENT
Sec. of State	.....	.....
Sec. of Treasury	.....	.....
Sec. of War	.....	.....
Postmaster-General	.....	.....
Sec. of Navy	.....	.....
Sec. of Interior	.....	.....
Attorney-General	.....	.....
Sec. of Agriculture	.....	.....
Sec. of Commerce	.....	.....

CHAPTER XVI

THE NATIONAL COURTS

Jurisdiction of the national courts.

186. The Work of the Judicial Department. — Our national courts have jurisdiction of all cases arising under the Constitution of the United States, the national laws, or the treaties. For this reason the Supreme Court is the final interpreter of the Constitution of the United States; that is, it decides what the meaning of any clause or section may be. When we realize that the national government derives its authority from the people through the Constitution and the Constitution alone, we can see what an important duty is left to that department of the government which may decide what powers have been given to the national government and what powers withheld from it. By interpreting the Constitution *strictly* many powers may be denied to Congress which that body would be permitted to use if the Constitution is interpreted *liberally*. The Court has usually been willing that Congress should exercise all the powers that the Constitution could reasonably be thought to grant, and has therefore aided in extending the authority of the national government.

Work of interpreting the Constitution.

Through the trial of cases only.

187. How the Courts interpret the Constitution. — The courts do not decide the meaning of a section

of the Constitution by offering opinions at any time, but interpret the Constitution solely in connection with their regular work as courts. When a person feels that he is injured in the execution of a law, his case is brought before a court for trial, and if the meaning of any clause of the Constitution is involved, the court explains the meaning of the clause when it gives its decision in the case. It really decides whether laws passed by Congress are constitutional or not. If, in its opinion, Congress has a right to pass the law with which the case is concerned, the law is declared constitutional. If Congress has exceeded its powers, the law is set aside as null and void. The Supreme Court, to which cases involving the Constitution are appealed, is thus enabled on the one hand to extend the power of Congress within reasonable limits, and to prevent that body from usurping the functions of the other departments of the national government and of the states.

Four series of courts.

188. National Courts and Judges. — According to the Constitution there shall be one Supreme Court and as many inferior courts as Congress may establish. At present there are four series of courts: the Supreme Court, nine Circuit Courts of Appeals, nine Circuit Courts, and eighty-three District Courts.

Selection and removal of judges.

The judges of all these courts are appointed for good behavior by the President with the consent of the Senate. They may be removed only on impeachment in the House of Representatives and conviction by two thirds of the senators. Those

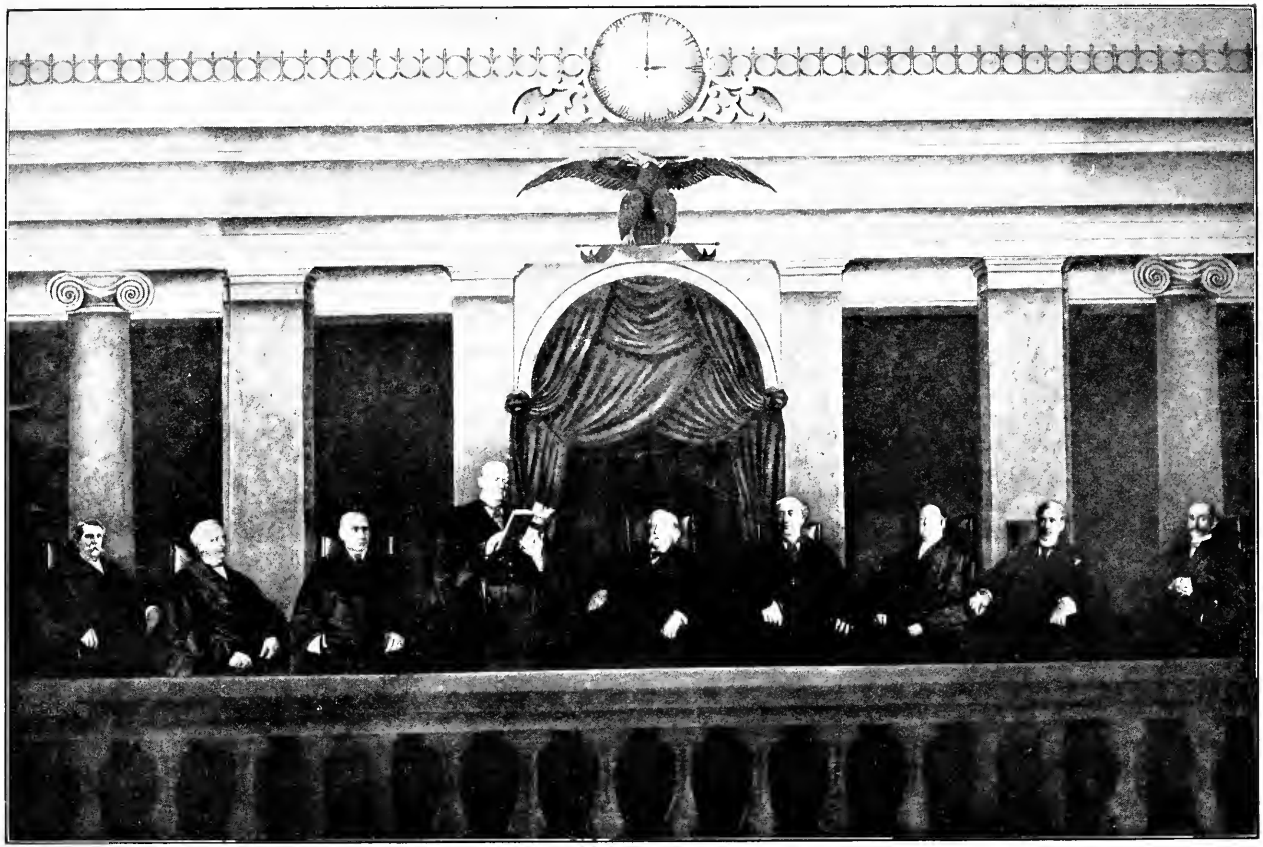
who have served at least ten years are permitted to retire at the age of seventy, and continue to draw full pay. Because of the honor connected with the judgeships, our national judges have been men of exceptional ability, and our Supreme Court especially has enjoyed a world-wide reputation for wisdom and impartiality.

Salaries of judges.

For their services these judges receive comparatively small salaries which may be increased but not diminished during their term of office. By a bill approved in February, 1903, the salary of the Chief Justice of the Supreme Court is fixed at $13,000 per year, that of the associate justices at $12,500, of the circuit judges at $7000, and of the district judges at $6000 each.

Cases tried in national courts.

189. Jurisdiction of the National Courts. — The Constitution provides for the different kinds of cases that may be tried in United States courts. "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects."



Holmes Peckham Brown Harlan C. J. Fuller Brewer White McKenna Day

THE JUSTICES OF THE SUPREME COURT.

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190. The Supreme Court consists of one chief justice and eight associate justices appointed by the President. Every year at Washington the court holds a long session lasting from October to late the next spring. It tries two kinds of cases: those that are begun in this court, including cases in which the states of the Union are parties and cases affecting our representatives abroad. The second kind includes cases brought from one of the lower national courts or cases involving national law which have been begun in state courts, but only very important cases may be appealed from these lower courts to the Supreme Court.

Organization, sessions, and jurisdiction.

191. Inferior National Courts. — The least important cases are tried first in the district courts of which there are from one to four in each state. To each district, in addition to the United States judge, is assigned a district attorney, who represents the United States in all suits tried in national courts within his district, and a marshal, who executes the decisions of the United States courts and who may call out a posse or ask aid from the President in the performance of his duties.

District courts, attorneys, and marshals.

The circuit court judges, of whom there are twenty-seven assigned to the nine circuits into which this country is divided, try cases that do not come up for the first time in either the Supreme Court or the district courts. The circuit courts of appeals, on the other hand, do not try any cases unless they have been brought first in either the district or circuit courts and have not been settled finally.

Circuit courts and circuit courts of appeals.

TEXT QUESTIONS

1. How has the Supreme Court greatly influenced our national government through its interpretation of the Constitution ?

2. How do the courts interpret the Constitution ?

3. What series of national courts are there ? How are the judges for these courts selected ?

4. What cases may be tried in national courts ?

5. What is the difference between the two kinds of cases tried by the Supreme Court ?

6. Explain the meaning of the following expressions: "interpret the Constitution" (§ 186), "law is declared unconstitutional" (§ 187).

SUPPLEMENTARY QUESTIONS

1. Is it better to appoint judges for good behavior than for terms of a definite length ?

2. Has the Supreme Court too much power over our system of government ?

3. What has been the influence of the Supreme Court decisions ? (*Scribner's Magazine*, XXXIII (1903), pp. 275–283.)

4. In what circuit do we live ? What states are included in it ?

5. What are the limits of this district ? Where is the court held ?

6. Fill out the following table: —

THE JUSTICES OF THE SUPREME COURT[1]

JUSTICES	CIRCUIT	APPOINTED
Chief Justice	Fourth	.....
.....	First	.....
.....	Second	.....
.....	Third	.....
.....	Fifth	.....
.....	Sixth	.....
.....	Seventh	.....
.....	Eighth	.....
....	Ninth	.....

[1] Consult Ashley's *American Government*, § 417.

CHAPTER XVII

FOREIGN AFFAIRS

192. The Importance of our Foreign Interests. — Because the state and local governments do so much more for us than is done by the national government, some people refer to the government of the United States as our government for foreign affairs. While this is very far from being true, it certainly is the case that many of the most essential duties of Congress and of the President and his advisers deal with international relations. Among these are the topics of war and peace, the making of treaties, and the far-reaching subject of foreign commerce. To maintain our position as one of the greatest of the powers, to preserve our dignity and honor at all hazards yet keeping peace with all the world, to aid in the extension of civilization, to protect and promote the interests of America and her citizens in all parts of the globe — these are tasks of no little difficulty and importance.

Foreign interests which must be cared for.

193. The Waging of War. — When the Constitution was adopted, no one thought of granting war powers to the states, and in fact the states were specifically forbidden to keep troops or ships of war in time of peace or to engage in war unless actually invaded. Congress is permitted to declare war, although the

War powers of Congress and the President.

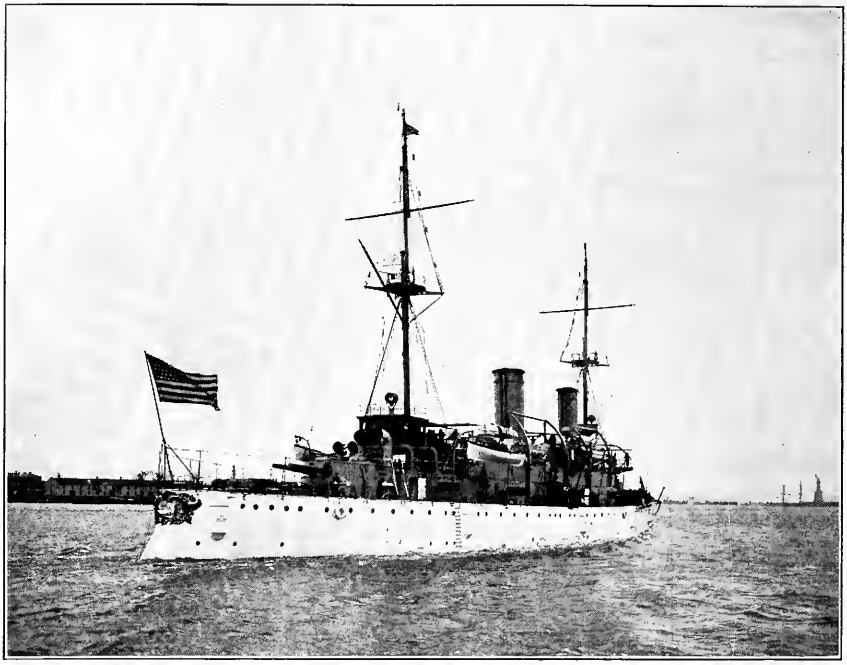
President as commander in chief of the army and navy may provoke hostilities by an invasion of a foreign country. Congress alone, however, can raise an army, create a navy, maintain the militia, and make rules for the regulation of the land and naval forces. War is not ordinarily carried on between civilized nations without a formal declaration from one or the other that "a state of war exists" between them. Our greatest wars, those of the Revolution and of Secession, have not required such a statement, because at the opening of each conflict one of the parties to the struggle was not recognized as a nation. In the minor conflicts the declaration of war has always been made by the United States.

Declarations of war.

194. The American Army. — As we have not been surrounded by powerful nations, it has not been found necessary to maintain a vast military establishment such as exists in every European country. Furthermore, public sentiment has compelled Congress to make our army as small as possible, since we have to-day the same dread of military despotism that made our forefathers insert in the Constitution the clause which denied to Congress the power to vote money for an army for a longer period than two years. This feeling showed itself in the law which was in force until 1898, that the regular army should not contain more than twenty-seven thousand enlisted men. The number is, however, now much larger. Many officers are trained at our very excellent military academy at West Point, New York, appointments of cadets to the academy being made by the President and members of Congress.

Why we have had a small army.

Training of army officers.



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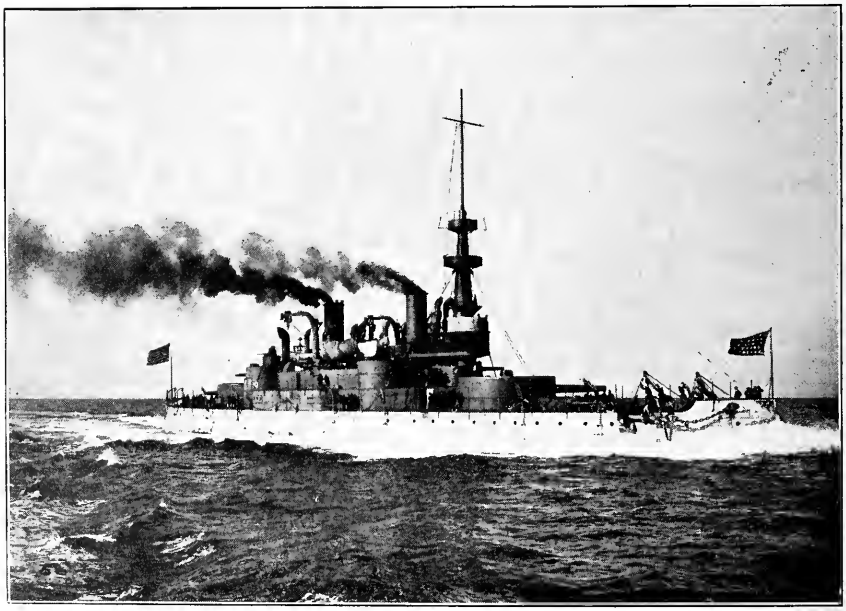
A Cruiser — The "Olympia"



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A Battleship — The "Indiana"

195. The Militia. — Every state in the Union has a regularly organized and well-drilled force of militiamen who may be called out at a moment's notice by the governor of the state to defend it against foreign invaders or to check disorder. The militia may also be called forth by the President to protect national property and the United States mails, to suppress insurrections and repel invasions. When in the service of the national government, the militia may be kept under arms nine months in any year and may be placed on duty in any part of the Union. The number of militiamen who are organized and under discipline is small, being less than one hundred and fifty thousand, although theoretically every able-bodied male citizen between the ages of eighteen and forty-five is subject to service in the militia. Very few calls are made on the militia, their services being required most often in case of strikes when there is great danger that property will be destroyed.

Militiamen in service.

Numbers of the militia.

196. The Navy. — Because of our geographical situation, a much greater dependence is naturally placed upon a navy than upon an army. The new American navy is only twenty years old, but compares quite favorably with those of Europe, on account of the superiority of the American seaman and gunner, rather than the number of vessels, since the navies of Great Britain and France are larger than ours. For the defense of our new colonies and the protection of American shipping interests everywhere, an efficient navy is necessary, and a wise

Importance to the United States.

policy seems to dictate that a very strong navy will be a valuable means of preserving future peace.

Classes of war vessels.

At the present rate of increase, our navy will in a few years be much more powerful than at present. The construction of two or three battleships, the largest and most heavily armored of fighting vessels, is authorized each year, in addition to armored cruisers, protected cruisers, and torpedo boats. Naval officers are trained at the Annapolis Academy in Maryland, appointments being made on a plan similar to that of the military cadets.

Training of naval officers.

Military property.

197. Military and Naval Property. — For military and naval purposes the United States has constructed, on lands purchased from the states or set apart from the public lands, buildings for the national defense or for the manufacture of implements of war. Forts have been erected for the protection of all seacoast cities and have been placed at convenient points in the thinly settled parts of the West. Other military posts are maintained at various points in the interior, usually in the vicinity of large cities. There are also several arsenals at which cannon and small arms are manufactured, in addition to schools which provide military instruction and training.

Navy yards, docks, and coaling stations.

Not less than $100,000,000 have been spent for the construction of national docks and navy yards within the United States. At the latter many of the new naval vessels are being constructed. In different parts of the world naval stations have been established to be used for the repair of disabled warships and as the headquarters of our fleets in active service.

LOADING

PREPARING TO FIRE

USING A GUN WITH DISAPPEARING CARRIAGE

Coaling stations are even more numerous, their location at convenient points being necessary because it is impossible for a battleship of a nation at war to gain an adequate supply of fuel in a neutral port or to remain in the harbor of a neutral nation more than twenty-four hours.

Land and water protection.

198. Coast Defense. — In theory at least our preparation for war has been undertaken with a view to avoiding future conflicts. This has made it especially necessary to defend our coasts, and at all important seaports some forms of coast defense are provided. The most important of these are the coast defense vessels, usually heavily armored monitors or floating batteries, and the land batteries, composed of large mortars and very powerful guns, often mounted on disappearing carriages. All channels leading to the harbors are well guarded by torpedoes or submarine mines controlled by electricity from the nearest fort or battery. By treaty with Great Britain, only one war vessel is permitted for Lake Ontario and one for the other lakes, no harbors on the Great Lakes being fortified.

Need of pensions.

199. Pension Legislation. — Control of military affairs demands not only preparation for future wars, but reparation for past ones. National honor requires that the families of those soldiers who gave their lives for their country in a time of great danger shall not be left to suffer for the necessaries of life.

Character of pensions.

Congress has, in fact, done much more. Any soldier or seaman who saw service in the Civil War, and who is now unable to earn a living, may receive a monthly

pension from the government. Such a liberal policy is in keeping with the large-heartedness of the American nation, but it is a policy which is easily abused.

Pension policy before and since 1890.

The pension policy of the United States has passed through two periods of changes. Before 1890, only those received pensions who had been disabled in service, or who had been left destitute by the death in war of the wage earner of the family. Since 1890, any soldier who suffered the loss of even a finger in battle, or has since become unable to provide for himself, can be placed on the pension list.

General.

200. The Negotiation of Treaties. — Most of our dealings with other nations are of a peaceful, not a warlike, nature. The most important of these is the making of treaties, which are negotiated by the President through the Department of State and become part of our laws when ratified by two thirds of the senators.

Negotiating treaties at home and abroad.

The actual negotiation of a treaty between the United States and a foreign power is conducted by the Secretary of State, or by our ambassador at the capital of the nation interested.[1] When the details are arranged in this country, the minister of the other nation, after receiving general instructions from his home government, confers with the Secretary of State. The Secretary in turn communicates

[1] The provisions of a treaty of peace at the close of a war are usually arranged at the capital of some neutral nation, both contestants being represented by special "envoys plenipotentiary."

with the President on all important topics. When the negotiations are conducted abroad, our ambassador is informed by the Secretary of State concerning our demands. In either case, the treaty will be signed by the officials who have been actively engaged upon it, and will then be sent to the Senate for ratification.

The Senate and treaties.

The Senate never hesitates to reject the whole or parts of a treaty or to amend any section. The Department of State can usually obtain the consent of the foreign government to unimportant changes suggested by the Senate; otherwise negotiations are broken off altogether, or are begun again as for an entirely new treaty.

Diplomats and their duties.

201. Our Foreign Ministers. — To look after our business with foreign governments which is not transacted in Washington, we have representatives at the capitals of all important countries. To seven of these is given the title of ambassador, while the others are usually known as ministers. Their duties are more often social than diplomatic, for the tasks of negotiating treaties and caring for other national relations are not difficult under ordinary circumstances. These positions can be filled properly only by men with talent of a high order, men who are broad minded, tactful, thoroughly familiar with the events of recent history, and quick to notice little changes in the feelings of a people. Our custom has always been to appoint party men, who are selected for short terms, but who fortunately are aided by fairly permanent assistants and secretaries

Qualifications and appointment.

of legations. We have nevertheless been represented abroad by some of the ablest and most scholarly men America has produced, notwithstanding the small salaries that are given even to ambassadors.

Salaries.

The highest salary paid to an ambassador is $17,500. The lowest given to a minister is $5000, the average salary being about twice the latter figure. As the United States does not own buildings in the foreign capitals, and social demands make numerous inroads upon a minister's purse, only men of wealth can afford to accept diplomatic positions.

Duties of consuls.

202. Our Consular Service. — The United States also has in all important foreign cities business agents who are known as consuls. These men send frequent reports to Washington, giving facts regarding the foreign commerce of the ports where they are located. They aid American travelers who may need their assistance, and look after American merchants who are doing business abroad. A consul's duties are so varied and numerous that a conscientious man is kept fully occupied giving help to others. In spite of the difficulties which a new man has in such a position, we usually change our consuls every four years and send out men who do not know the language or the commercial situation in the country to which they have been assigned. This relic of the "spoils system" is likely, however, to be abolished in the near future.

Selection of consuls.

Meaning of the doctrine.

203. The Monroe Doctrine. — The most important of the foreign policies favored by the United States is called the Monroe Doctrine, because first an-

nounced by President Monroe in 1823. The substance of the doctrine is that the United States will not permit a European nation to acquire territory on this continent nor to interfere with the political affairs of any of the republics in America. This does not prevent an old-world power from collecting money due to it by one of our southern neighbors, even when force must be used to do so. The United States on its part refrains from taking part in the politics of Europe. Although simply a statement of a national policy and not a rule of international law, the Monroe Doctrine has been accepted by the nations of Europe as a policy to be followed by them in their dealings with the new world.

204. Foreign Commerce. — In 1787 the Congress of the Confederation could not regulate foreign or interstate commerce, and uniform regulations on these subjects were so necessary that the Philadelphia Convention was called (§ 142). The Constitution therefore gave Congress the right "to regulate commerce with foreign nations and among the several states." In doing this no exports must be taxed and all duties on imports must be uniform throughout the United States. The national government has attempted to increase our foreign commerce by means of treaties. For example, a hundred years ago, the British colonies in the West Indies were closed to our commerce and a large part of our diplomacy with Great Britain was devoted to making a treaty which would open these ports to our trade.

Need of national control (1787).

Use of treaties to promote foreign commerce.

This would benefit us by permitting us to buy sugar, molasses, and other semitropical products, and to sell them our lumber and grains. In recent years many "reciprocity" treaties have been made. A reciprocity treaty is one in which our government agrees to lower our tariff rates in return for corresponding reductions made by a foreign power in its tariff charges.

Reciprocity treaties.

Nature of a tariff.

205. The Tariff. — Every nation is anxious to sell more than it buys, and is therefore willing to place restrictions on imports. This is usually in the form of a *tariff* which requires merchants importing goods from abroad to pay a duty of a certain per cent on their value. In addition to limiting the amount of goods sent to us by foreign nations, a tariff helps to "protect" the manufacturers of this country in this way. Foreign goods are produced more cheaply than similar articles can be manufactured in this country, because of the lower wages paid in Europe. If they are taxed when entering the United States, this tax or tariff increases the price of the articles so that the American goods can be sold for less than those of foreign make. This "protection" of American manufacturers by means of a tariff has been one of the chief causes of the great development of manufacturing in this country during the last half century, although it has undoubtedly increased the cost of most articles protected and therefore raised the general cost of living.

Results of "protection."

Number of immigrants.

206. Our Immigration Laws. — Less than one half of the people in the United States to-day are de-

scended from the men and women who lived in the thirteen colonies which revolted against the rule of England in 1775. Since 1850, on an average, four hundred thousand aliens have come to our shores every year. Few of these had any experience in self-government before leaving Europe, but most of them quickly adopted the speech, customs, and habits of the native Americans, their sons and daughters at least becoming in time true American citizens. Years ago most of these immigrants were from the British Isles or were related by blood to the Anglo-Saxon people whom they found here, but, during the last twenty years, a change has occurred in the character of the emigrants who seek to make their home with us. More have come from the south and east of Europe, and a very much larger per cent are uneducated. Because they are coming in greater numbers than their predecessors came in former years, we have modified our immigration laws, making them more strict.

Character of immigrants.

TEXT QUESTIONS

1. What are the most important of our foreign interests?
2. Distinguish between the war powers of Congress and the war powers of the President.
3. Why have we preferred a small army? What is the difference between the actual and the theoretical militia?
4. Why do most people desire a large navy? What classes of warships have we?
5. What military and naval property has the United States? For what is each kind used?
6. How has the pension list been enlarged since 1890?
7. Describe the negotiation of a treaty.
8. What kind of men are needed as foreign ministers? What effort do we make to secure such men?

9. Give the ordinary duties of a consul.

10. Explain the Monroe Doctrine.

11. How may treaties be used to extend our foreign commerce?

12. What has been the double purpose of our tariff?

13. How are the immigrants of to-day different in number and race from those who formerly came to America?

14. Explain the following terms: a "declaration of war" (§ 193), "military despotism" (§ 194), "shipping interests" (§ 196), "military cadets" (§ 196), "arsenals" (§ 197), "navy yards" (§ 197), "coaling stations" (§ 197), "submarine mines" (§ 198), "pensions" (§ 199), "negotiation of a treaty" (§ 200), "neutral nation" (§ 200), "envoys plenipotentiary" (§ 200), "reciprocity treaty" (§ 204), "tariff" (§ 205), "protection" (§ 205), "native Americans" (§ 206).

15. Explain the statements: "Their duties are more often social than diplomatic" (§ 201), "Although simply a statement of a national policy and not a rule of international law" (§ 203).

SUPPLEMENTARY QUESTIONS

1. What wars have been waged by the United States? How long did each of the important ones continue? What was the result of each? (Consult Hart's "Actual Government," § 200.)

2. How large is the army now? Are there any volunteers? Who is the chief of staff?

3. How is our army organized? (*World's Work*, VI (1903), pp. 4007–4016.)

4. What work is done by the signal corps in war time? (*Century Magazine*, LXVI (1903), pp. 811–826.)

5. What is the difference between a battleship, a cruiser, a monitor, and a torpedo boat? How many of each have we in our navy?

6. Why do we depend so much more on a navy than on an army?

7. What is the present fighting strength of the navy? (*Review of Reviews*, XXV (1902), pp. 561–570.)

8. How is a battleship constructed? (*Cosmopolitan*, XVI (1894), pp. 395–405, XXV (1898), pp. 499–510.)

9. Battleships, mines, and torpedoes are described in *Review of Reviews*, XXX (1904), pp. 65–71.

10. How are big guns constructed? (*World's Work*, VI (1903), pp. 3872–3883.)

11. What naval property has the United States? (*Outlook*, LXXIII (1903), pp. 330–334.)

12. What is done for old soldiers? (*World's Work*, VIII (1904), pp. 4771–4781.)

13. Is our liberal pension policy a wise one?

14. Name at least three important treaties. With what countries were they made? When and where were they negotiated?

15. Who are our ambassadors to Great Britain, France, and Germany? Is it practical to promote foreign ministers from less to more responsible positions?

16. How are ministers appointed and presented? (Curtis, "United States and Foreign Powers," pp. 15–21.)

17. How does the pay of United States ministers and consuls compare with those of foreign countries?

18. How is a consul employed? (*World's Work*, II (1901), pp. 751–757, III (1902), pp. 1606–1613.)

19. What has been the history of the Monroe Doctrine? (Foster, "Century of American Diplomacy," pp. 438–478.)

20. Give the history of our tariff. (Ashley, "American Federal State, §§ 608–610.)

21. How are immigrants examined at our seaports? (*Scribner's Magazine*, XXIX (1901), pp. 301–311.)

22. Where do the immigrants settle? (*World's Work*, VI (1903), pp. 4021–4024.)

CHAPTER XVIII

MONEY AND THE POST OFFICE

Disadvantages of separate money systems.

207. Our Currency System. — A person who travels in Europe, spending but a short time in each country, is always annoyed because of the frequent changes in the money systems. For example, if he goes from Paris to Berlin, he finds that the German ticket agents and hotel keepers will not take French coins, and that he must go to a money changer's and obtain German coins for those of France. He must then learn to count money under an entirely new system.

Our national decimal system.

If each state might decide what coins it should have, there would be as great confusion in the United States as in Europe. But the Constitution very wisely prescribes that Congress shall have the power to coin money in order that there may be a uniform currency throughout the United States. Fortunately for us, our national government adopted a *decimal* system which is easy to use, with the dollar as the "money unit." As the coins prescribed by Congress, with the paper money issued under its direction, form a *national* currency, each coin or bill has exactly the same value in one state that it has in every other.

208. United States Coins. — The more valuable coins are made of gold and silver, principally because of

the great value of small quantities of those metals, but also on account of their hardness and durability which are increased by adding another metal as an alloy, the proportions being nine parts of the precious metal to one part of the alloy. Any one who brings gold bullion to a mint of the United States can have it coined for him, but all silver coins are made by the government from silver which it has purchased. Cents and nickels are coined at the Philadelphia mint from materials furnished by a private company.

Important coins and their manufacture.

When one man owes another a sum of money, the latter may accept any form of United States money or he may insist that the debt shall be paid in those kinds only which are "*legal tender*," that is, the forms of money which the government says every creditor shall receive for amounts due him. Only gold coins and the silver dollar are legal tender to an unlimited amount, the smaller coins being legal tender for the payment of very small debts only.

Legal tender.

209. The Process of Making Coins. — The different coins in use in the United States are coined at the mints operated by the government at Philadelphia, San Francisco, and Denver. The gold and silver is first refined so as to be absolutely pure, and is then mixed with exactly ten per cent of copper alloy for silver coins, and copper and silver alloy for gold coins. This mixture is molded into bars about a foot long, which are rolled repeatedly until they become strips of several feet in length and of the required thickness for the various coins. These strips are fed into a cutting machine which cuts out

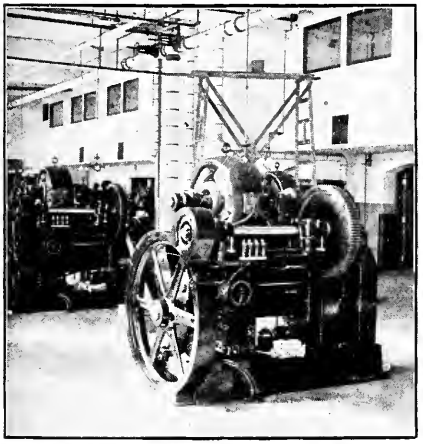
Preparation of coin disks.

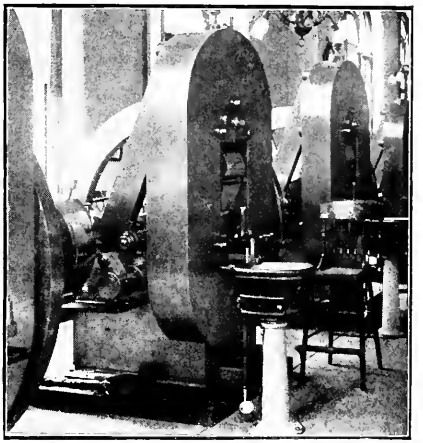
Milling, stamping, and counting coins.

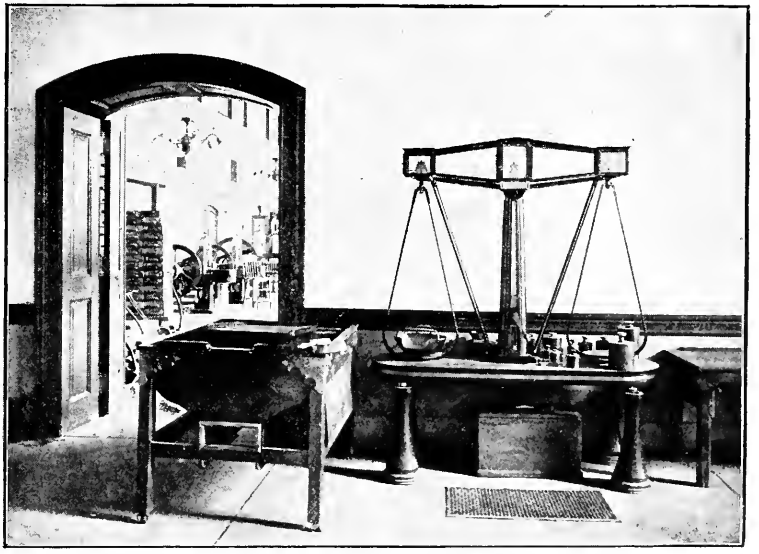
the disks of sizes suitable for the different coins. The disks are first placed in the milling machine in order to raise the edges to prevent wear upon the face of the completed coin, and are then taken to the coining machine in which dies from above and below are pressed against the disks at the same time. In the counting room, the more valuable coins are counted by weight, and those of less value are counted by filling the grooves of boards which will contain a certain number and no more. (See apparatus at left of lower view opposite.) The greatest care is taken to see that every important coin weighs exactly what it should, and each disk is tested for that purpose. Those are discarded and remelted which are under weight, and the heavy coins are filed until the weight is correct.

What greenbacks are.

210. Paper Money. The Greenbacks. — There are three kinds of paper money in circulation: (1) the greenbacks, (2) national bank notes, and (3) gold and silver certificates. The greenbacks are simply notes issued by the United States government promising to pay the amount named on the face of the note. They were issued originally during the Civil War when the government was greatly in need of money. These notes were made a legal tender and were paid by the Treasury Department to individuals to whom the United States was in debt. As the greenbacks were of small denominations, people continued to use them long after the government promised to redeem them, and there are now over $300,000,000 worth of greenbacks in circulation.







WHERE COINS ARE MADE.

The Mint, Philadelphia, Pa.

A Milling Machine.

A Coining Machine.

The Counting Room.

211. National Bank Notes. — The national bank notes are similar in size and general appearance to the greenbacks, but they are notes issued by banks which have been chartered by the national government. These bank notes are not legal tender, but the government will accept them in payment of debts owed to it except for duties, which must be paid in gold, and the banks must redeem them in lawful money on demand, so that they are as useful and as valuable as any other form of money of the same denominations. Their character.

212. Gold and Silver Certificates. — As it is much easier to handle a five-dollar bill than five silver dollars, it has become customary for the government to deposit the silver dollars in government vaults and issue in place of them silver certificates of one, two, five, and ten dollars. These are not legal tender, but the government is willing to exchange the silver for them at any time, and to give gold in exchange for the silver, so that a silver certificate for $5 is worth as much as a five-dollar gold piece. Gold certificates are likewise issued in denominations from $20 to $10,000, but, as we should naturally expect, the amount of gold in circulation is three times as great as that of the gold certificates, whereas five sixths of all the silver in the United States is piled away in sacks in Washington or at the subtreasuries. Why they are issued.

213. The Post Office. — The business of collecting, transporting, and distributing letters, periodicals, books, and miscellaneous merchandise is conducted Why the government manages the postal business.

by the national government. The United States does not seek to make money from these postal operations, but aims to give the best possible service for a very low price — in fact, for less than cost. It does this for the reason that the cheap transportation and delivery of letters and literature is a public service of great value in educating the people. The annual loss, however, is usually less than $10,000,000.

Business and employees.

214. Post Offices and Employees. — Post offices are established in all cities and towns, and at convenient places even when few people live close together. There are now over seventy-five thousand post offices within the United States, employing more than one hundred thousand persons, and handling yearly over one hundred pieces of postal matter for every man, woman, and child in the country.

Selection of postmasters and employees.

Post offices are divided into four classes, according to the amount of the business transacted. Postmasters are appointed by the President and Senate for the first three classes, but they number less than five thousand. The other seventy-two thousand postmasters, whose salaries are less than $1000 each, are chosen by the postmaster-general. None of these officials are subject to civil-service rules, and many are changed whenever a new administration is inaugurated at Washington. Most of the employees, including postal clerks, railway mail clerks, and mail carriers, are appointed by the Civil Service Commission, being continually reëxamined by inspectors to insure efficiency.

215. The Work performed by the Post Office in-

cludes not only the collection and distribution of the mails, but the issuance of money orders. Ordinary mail is divided into four classes. Letters are first-class matter; periodicals, second-class; books, third-class; and merchandise, fourth-class. The rates are highest upon first-class mail, and lowest for second-class. Free collections and deliveries have been established in cities, large villages, and in many rural districts, the number of daily deliveries depending upon density of population and the distance from the post office. The mail for rural districts is really delivered from traveling post offices, the former post office being often discontinued. This rural service has resulted in a marked increase of business, and seems to be successful.

Classes of mail matter.

Collections and deliveries.

Valuable letters and packages are registered at the post offices or by mail carriers at the homes on the payment of eight cents besides postage. A record of every registered parcel is kept by each person through whose hands it passes, and, in case of loss, the sender may receive an indemnity not exceeding $25.

Registered mail.

When the name and address upon a package cannot be deciphered, or the mail has not been delivered for other reasons, it is returned directly to the one who sent it, if his name appears upon the letter or parcel; otherwise, through the Dead Letter Office, where it is opened if necessary. The skillful clerks of this office display a wonderful ingenuity in reading addresses that are absolutely meaningless to the ordinary individual.

Dead Letter Office.

General defects.

216. Observations on the Postal Service. — With all of its merits, the postal service exhibits many defects. As the department is not organized on a thoroughly satisfactory business basis, unnecessary financial losses are constantly occurring. The appointment of postmasters without special regard to preparation for their duties, and the frequent changes that occur under the present system, are in themselves costly. Abuses are likely to arise in awarding the contracts for carrying mails, the claim being made that the government pays much more than express companies for similar services.

Second-class mail matter.

A great amount of discussion has taken place in connection with the rates for second-class mail matter. Since the postage paid on the periodicals coming under this class covers only a small part of the cost incurred in handling them, an earnest attempt has been made to exclude all advertising circulars, books which have claimed to be periodicals, and newspapers whose circulation is almost entirely unpaid. A revision of the law has been proposed, but without result, the enormous deficit for this class of mail being justified on the ground of its educational value.

Provisions and influence of our present laws.

217. Patents and Copyrights. — The national government seeks to encourage inventors and authors by giving them the right to patent their inventions and to copyright their books. A patent is a permit giving the exclusive right to manufacture and sell the patented device for a period of seventeen years,

THE UNITED STATES GOVT. BUILDING, CHICAGO ILL.

THE CONGRESSIONAI LIBRARY

with a right of renewal for seven years more. Copyright gives the exclusive right of publication for twenty-eight years, with the privilege of a fourteen years renewal. These laws, which protect the inventor and his manufacturer in the one case, and the author and his publisher in the other, have exerted a very great influence on the mechanical and literary development of our young and growing nation.

Buildings in Washington.

218. Government Buildings. — In order that the national government may carry on the work in which it is interested, numerous buildings are necessary. Many of these are located at Washington, among them the Capitol, which is the finest government building in existence, the White House, the Congressional Library, noted for its decorations, in which copies of all copyrighted books are kept in addition to valuable collections of other books, the government printing office, and the department buildings, including the one that contains models of all patented inventions.

Buildings in other cities.

In all of the large cities of the country there are "government" buildings, which are used as post offices, and may be also national court houses and custom houses. Mints have been constructed and are being operated in three cities, and many other public buildings are in constant use. It has been suggested that the United States should build or purchase in the principal foreign capitals permanent homes for our representatives abroad, but nothing has been done toward that end.

TEXT QUESTIONS

1. What are the advantages of a national currency? of a decimal currency?

2. Why are gold and silver used for making coins?

3. What is meant by legal tender?

4. Describe the process of making coins.

5. What three kinds of paper money are in circulation? What is the difference between them?

6. Why does the United States manage the postal business?

7. How are postmasters and the postal employees appointed?

8. What classes of mail matter are there?

9. What becomes of imperfectly directed letters?

10. In what ways might large sums be saved by the post-office department?

11. What is a patent? On what conditions is it granted?

12. How is a copyright different from a patent?

13. What buildings does the national government need?

14. Give the meaning of the following terms: "money changer's" (§ 207), "decimal system" (§ 207), "money unit" (§ 207), "national currency" (§ 207), "alloy" (§ 208), "gold bullion" (§ 208), "milling machine" (§ 209), "greenback" (§ 210), "bank note" (§ 211), "silver certificate" (§ 212), "periodicals" (§ 213), "a new administration" (§ 214), "registered parcel" (§ 215) "indemnity" (§ 215).

SUPPLEMENTARY QUESTIONS

1. What coins are now in circulation? Which kind represents the greatest value?

2. Should the state governments be allowed to coin money? Give your reasons in full.

3. Why are the different kinds of paper money now worth their face value? (Be sure that you have answered correctly for each kind.)

4. If paper money for any reason becomes worth less than face value, can its value be restored by making it legal tender?

5. What has been the history of the postal service? (Harrison, "This Country of Ours," pp. 233–240.)

6. What rates are charged for each class of mail matter? What does it cost to send a one-ounce letter to Montreal? to the

City of Mexico? to Paris? (Newspaper Almanacs, under postal laws.)

7. Under what class does each of the following come: a photograph? handkerchief? manuscript of a poem? a letter? a monthly periodical? hectograph circulars? a package of seeds? (Newspaper Almanacs, as above.)

8. What has been done for free mail delivery in rural districts? (*Review of Reviews*, XXVII (1903), pp. 55–60.)

9. What is the traveling post office like? (*World's Work*, V (1902), pp. 2873–2880.)

10. The foreign mail service in New York. (*Scribner's Magazine*, XXVI (1900), pp. 61–71.)

11. How was the overland mail service developed? (*Cosmopolitan*, XX (1896), pp. 603–611.)

12. On a day's work in the New York post office, consult *New Metropolitan* (1903), 17–23.

13. Are the benefits of the patent system principally felt by the inventor or the manufacturer? Does the patent system sometimes give too much of a monopoly on an article universally desired?

14. What is being done in the nation's printing office? (*Review of Reviews*, XXVIII (1903), pp. 556–563.)

15. What has the government done in erecting public buildings? (*Home Magazine*, (1901), pp. 365–371.)

16. What changes have been made recently in the White House? (*Munsey's Magazine*, XXIX (1903), pp. 65–72, *Century Magazine*, LXV (1903), pp. 807–831.)

17. What changes have been proposed for beautifying the national capital? (*Outlook*, LXX (1902), pp. 817–829.)

CHAPTER XIX

TERRITORIES AND COLONIES

Our boundaries in 1783.

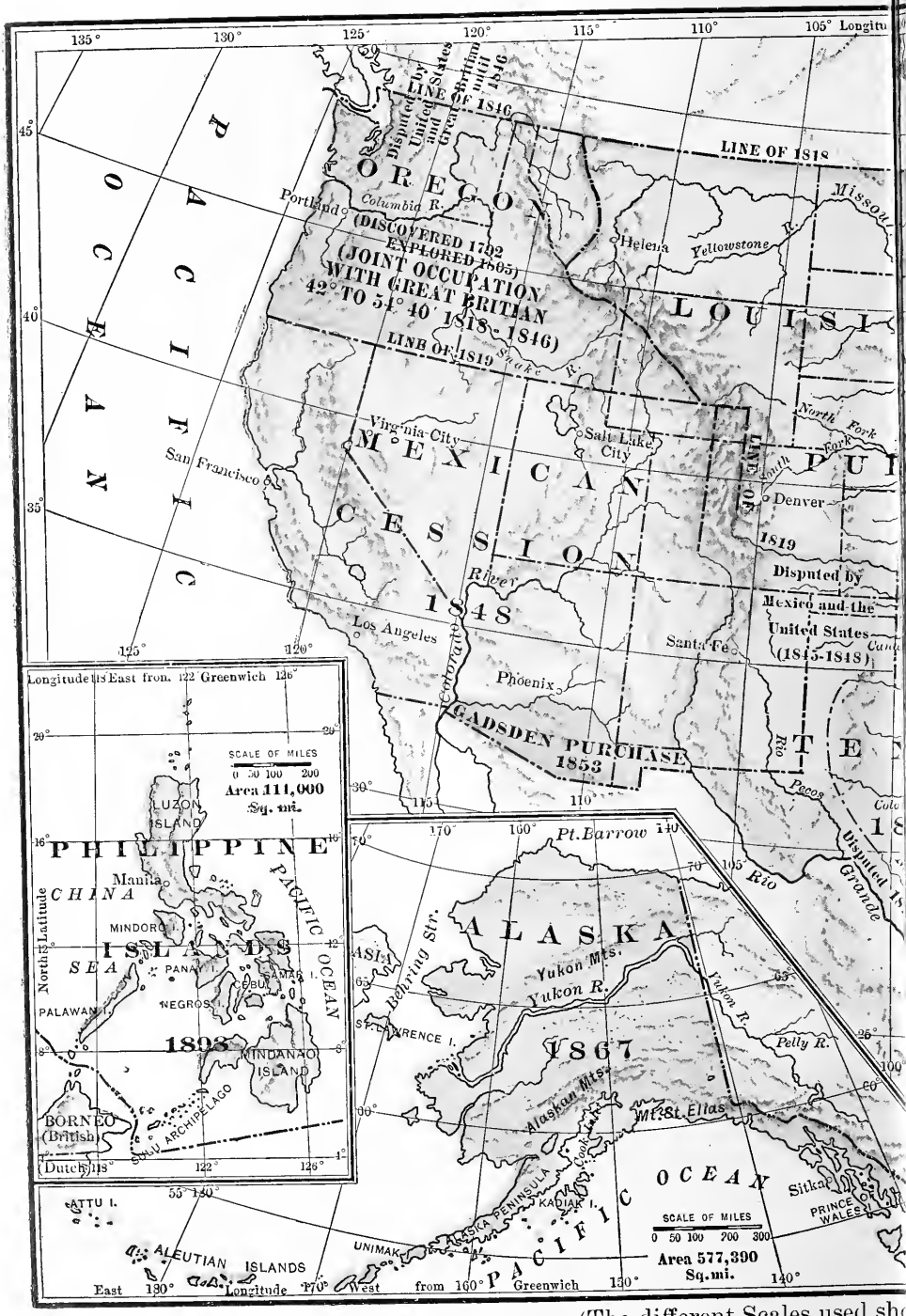
219. Territorial Expansion of the United States. — When the United States began its career as a nation a century and a quarter ago, it was only a quarter as large as now, being bounded by the Atlantic Ocean, the Great Lakes, the Mississippi River, and the Floridas, which were then held by Spain. Although the Constitution which was adopted in 1787, and which we now have, does not say anything about the right of annexing territory, the people have never seriously opposed the annexation of any territory desired by our national government, and the President and Congress have, therefore, been permitted to extend our boundaries many times. In consequence, we now possess a broad belt of territory stretching from the Atlantic to the Pacific, besides Alaska, the Philippines and many smaller islands, especially in the Pacific Ocean. The accompanying map shows the extent of the territory acquired at different times and gives the date of each annexation.

The Constitution and expansion.

Our territory at present.

Our territorial system.

If we compare the map of our territorial growth with a map of the United States at present, we can easily see that most of these annexed lands have become states in our Union. But before they were



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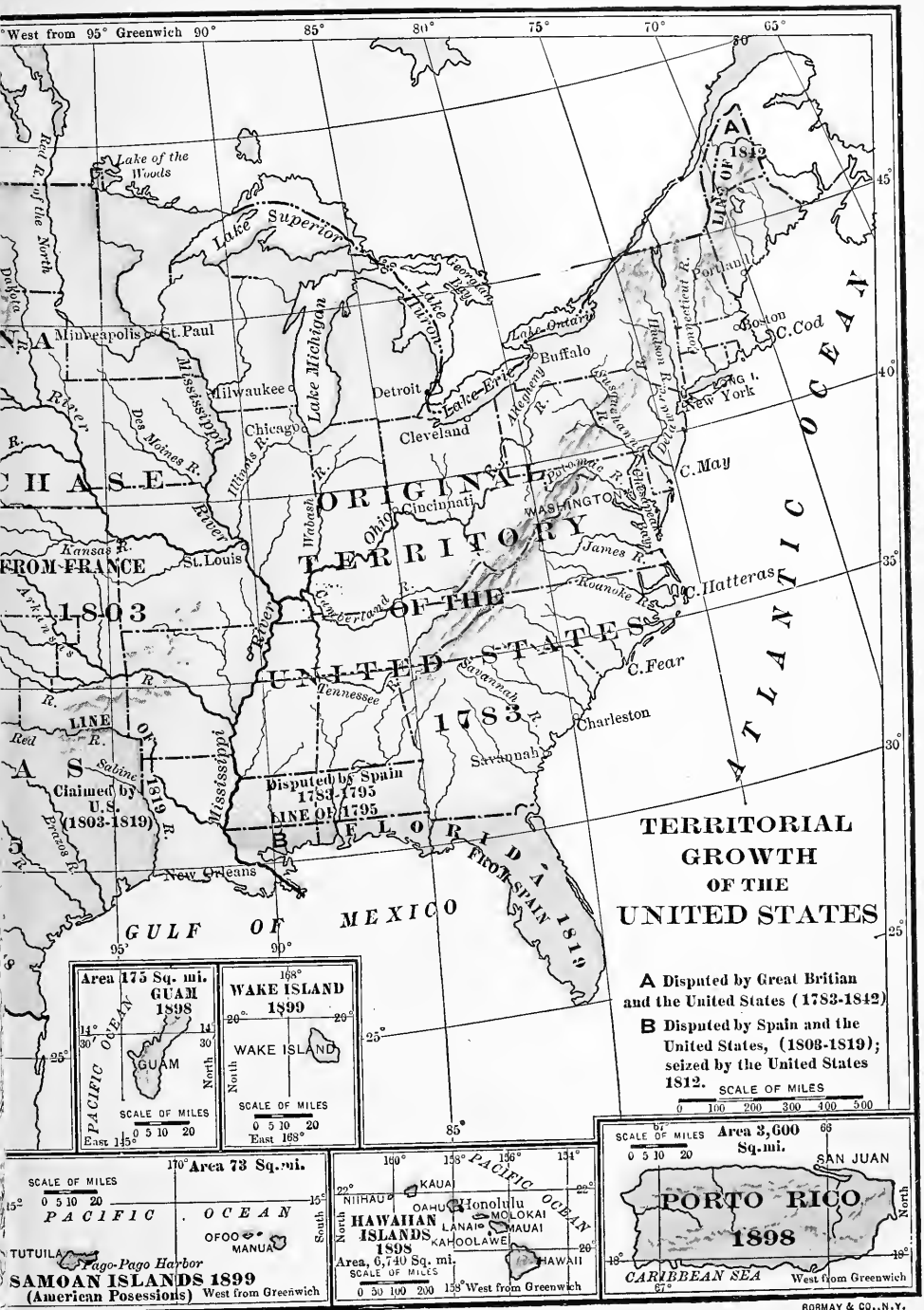


TERRITORIAL GROWTH OF THE UNITED STATES

A Disputed by Great Britian and the United States (1783-1842)

B Disputed by Spain and the United States, (1808-1819); seized by the United States 1812.

SCALE OF MILES
0 100 200 300 400 500

BORMAY & CO., N.Y.

l be noted with particular care.)

admitted to the Union as states by Congress, they were governed by Congress as territories. This system of first holding new lands as territories and then giving them all of the rights possessed by the other states, dates from a very famous ordinance passed in 1787 by the Congress of the Confederation.

Territory affected by the Ordinance.

220. The Ordinance of 1787. — When the United States became independent of Great Britain, several of the states claimed land between the Alleghany Mountains and the Mississippi River which they afterwards ceded to the United States to be governed by Congress for the common benefit. In 1787 there was passed an ordinance for the government of the territory northwest of the Ohio and east of the Mississippi. It provided that the whole territory should be governed by officials selected by Congress until enough people should settle there so that they might have a legislature of their own. Not more than five states nor less than three should be formed from this region, as soon as each had a population of sixty thousand. The inhabitants were not only to have perfect religious freedom but more rights than were enjoyed by the people in the other states, and slavery was forever prohibited within the entire region. Long afterwards Daniel Webster said that he doubted "whether any single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the ordinance of 1787."

Provisions of the Ordinance.

Importance of the Ordinance.

Two classes of territories.

221. Organized Territories and their Relation to Congress. — At present there are two kinds of ter-

How Congress may control a territory.

ritories, (1) one called "organized," which have a fairly permanent form of government in which the people take some part, and (2) the "provisional" territorial governments, in which popular government is almost entirely lacking. In one sense, every organized territory is entirely under the control of Congress, for that body decides the extent of its boundaries, the form of its government, the part which the people may take in that government, and what laws passed by the territorial legislature shall remain in force. In other words, the territory depends upon Congress for its very existence, and derives its fundamental law from Congress. But by custom, a territory has always been treated as a rudimentary state, subject to national supervision, although given the right to direct its own affairs as far as possible, in order that when it becomes a member of the Union, the habit of self-government shall have become fixed.

Self-government in a territory.

Territorial delegates.

The territories do not have representatives in Congress, but each has been allowed to elect a delegate who has a seat in the House of Representatives, and who may speak upon all matters affecting his territory, although he may not vote.

The legislature.

222. The Government of an Organized Territory. — Organized territories have always been governed in much the same way. The legislatures are bodies of two houses, chosen by the voters upon whom the privilege has been conferred by territorial law. Sessions of sixty days are held every two years, and laws may be made on all subjects not forbidden by

Congress, but when a law has been passed, it may be vetoed by the governor or rejected by Congress.

Governor and secretary.

The principal executive officials are the governor and the secretary, each of whom is selected by the President with the consent of the Senate for a term of four years. The governor is both the chief representative of the United States in the territory, and the chief executive of national and territorial law. In addition to the usual message to the legislature, he makes a yearly report to the President, selects many of the minor officials, exercises the right to pardon offenders, commands the militia, and has the right to veto bills. The secretary is the principal clerical officer of the territory.

Territorial courts.

The highest territorial court consists of three judges appointed by the President and Senate. All cases arising under territorial law, and many under the Constitution and statutes of the United States, are decided finally by these courts. All local executive and judicial officials are chosen by the legal voters of the territory.

223. The Admission of New States. — No organized territory believes its territorial government to be other than provisional, considering it the chrysalis form of its existence. Its dream is to enjoy full statehood, and it uses every possible means to obtain from Congress the right to join the sisterhood of states. Sometimes it calls a constitutional convention that frames a constitution, which, after ratification by the voters, is sent to Congress for its approval. In this the state usually renounces all

First method.

claim to the title of the public lands, and agrees that certain articles, as for example those relating to public education and religious liberty, can be changed only with the consent of both the United States and the state. If no constitution has been adopted, Congress passes an enabling act, which authorizes the framing of a constitution. After this has been accepted by the people and Congress, the territory is admitted as a state.

Second method.

Constitutional limitations on admission.

According to the Constitution of the United States, "No new state shall be formed or erected within the jurisdiction of any other state, nor [shall] any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress."

Classification of territories.

224. The District of Columbia. — The territories other than Arizona, Hawaii, New Mexico, and Oklahoma, which may be considered "organized," are the District of Columbia, which will never become a state, Indian Territory, the Philippines, and Porto Rico. The District of Columbia was selected by Congress in 1790 as the seat of government for the United States, an area ten miles square being ceded to the United States for that purpose by the states of Maryland and Virginia, although the part on the south bank of the Potomac was receded to Virginia in 1846. According to the Constitution, Congress has power to "exercise exclusive legislation in all cases whatsoever over . . . the seat of government of the United States." The district is now

History and government of the District.

governed by three commissioners appointed by Congress with power to select minor officials and to supervise the administration of all local affairs.

225. Our Colonial Possessions. — We have become accustomed to call Alaska and the territories which came into our possession as the result of the Spanish-American War in 1898 by the name of "colonies." These lands, being separated from the states of the Union by bodies of water and inhabited to a large extent by people of races foreign to ours, are not permitted a very great share in their own government. Especially is this true in the Philippine Islands, most of whose inhabitants are ignorant and many of whom are but half-civilized Malays. Even in the Philippines, however, there will be in time a popular assembly of from fifty to one hundred chosen by men who own property or who can speak either Spanish or English, but the upper house of their legislature will be chosen by men sent from Washington.

Why we have colonies.

Government of the Philippine Islands.

In Porto Rico the citizens choose a lower house of the legislature and part of the upper house, the other members of the upper house being selected by the President of the United States. Whether these territories may be deserving of the name "colonies" or not, surely the colonies of no other nation are so free or so liberally governed.

Government of Porto Rico.

TEXT QUESTIONS

1. What were the boundaries of the United States in 1787? What boundaries does the continental United States possess at present? What outlying territories do we control?

2. What government did the Ordinance of 1787 provide, and for what territory?

3. What is the difference between an "organized" and a "provisional" territorial government?

4. To what extent is an organized territory self-governing?

5. Describe the legislative, executive, and judicial departments of an organized territory.

6. State the different methods of admitting new states into the Union.

7. How is Porto Rico governed?

8. Give the meaning of the following terms: "perfect religious freedom" (§ 220), "rudimentary state" (§ 221), "habit of self-government" (§ 221), "clerical officer" (§ 222), "chrysalis form" (§ 223), "enabling act" (§ 223), "seat of government" (§ 224), "colonies" (§ 225), "popular assembly" (§ 225).

9. Explain the expressions: "In one sense, every organized territory is entirely under the control of Congress" (§ 221), "the state usually renounces all claim to the title of public lands" (§ 223).

SUPPLEMENTARY QUESTIONS

1. Give in outline the history of our territorial growth. (Consult map for territories and dates.)

2. Give reasons why Daniel Webster considered the Ordinance of 1787 so important.

3. How has the United States treated its territories in the past? (*Harper's Monthly*, XCVIII (1899), pp. 319–328.)

4. Does this state belong to the original territory of the United States or to one of the later acquisitions? If the latter, how long did it remain a territory? When was it admitted as a state?

5. What has been the situation during the last century in the District of Columbia? (*Review of Reviews*, XXII (1900), pp. 675–686.)

6. What is the character of the civil government in the Philippines? (*Outlook*, LXXI (1902), pp. 305–321.)

7. How does the government in American colonies compare with that in the colonies of other countries? (*Review of Reviews*, XXVI (1902), pp. 580–588.)

CHAPTER XX

PUBLIC LANDS AND NATIONAL DEVELOPMENT

Beginning and extension of our public domain.

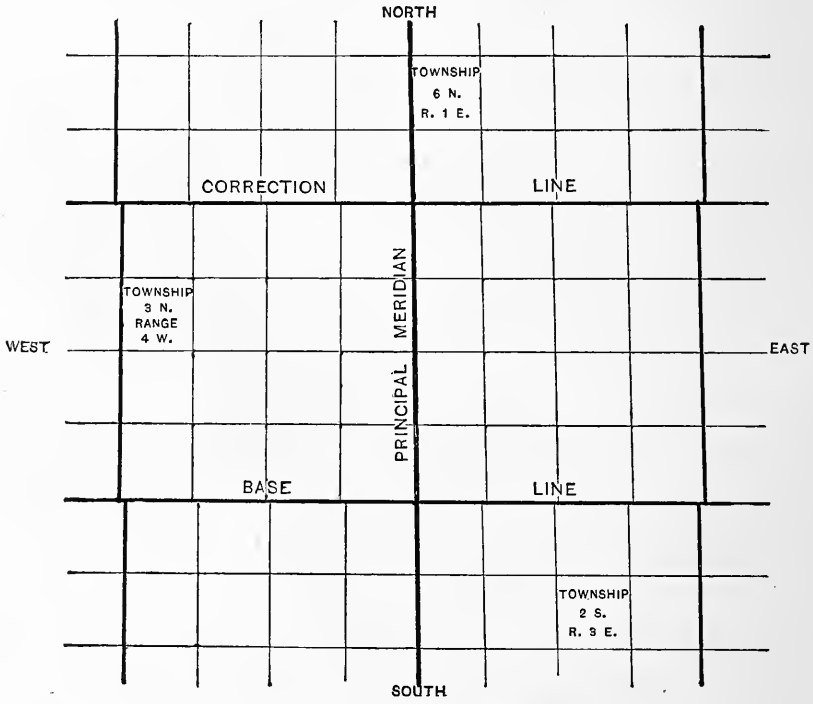
226. How We acquired Our Public Lands. — Not only does the national government control these territories and colonies, but it *owns* public lands located in some of the states as well as in the territories. When the original states surrendered to the United States their claims to the land lying between the Alleghanies and the Mississippi River, and when we later came into possession by conquest or purchase of other territories, the United States acquired not only the right to govern these regions but the *title* to unoccupied lands as well. That is, all lands in these sections which were not owned by individuals became the property of the United States. Moreover, when the states were admitted to the Union, they did not become the owners of public lands within their borders, for the title of these unoccupied lands remained with the United States.

National parks and forest reserves.

227. Our Public Domain at Present. — Nearly one fourth of all the land in this country now belongs to the United States, never having been sold by the national government. Only part of this, however, is reserved permanently for the use of the entire nation, partly in the form of forest reserves, which are carefully protected from invaders and from fires,

and partly in the form of national parks, the most noted and most picturesque of which are Yellowstone Park in the northwest corner of Wyoming, and Yosemite Park in California. The rest of the public lands are for sale on favorable terms, although most of them are at present undesirable because they are located in the mountains or the desert regions of the West.

Public lands for sale.



METHOD OF MAKING SURVEYS

The general process.

228. The Method of surveying the Public Domain. — As these public lands were intended to be used as a profitable investment, provision for surveying them was made by Congress as early as 1785. Certain parallels of latitude called *base lines* have been selected, and certain meridians of longitude called

principal meridians, the intersection of a base line with a principal meridian being the starting point for surveying all of the lands in that part of the country. Townships six miles square are then surveyed to the north, east, and west, and possibly to the south, being named according to the distance from the base line and the meridian; the distance to the east or west being indicated by the number of the *range*, and the distance to the north or south by the number of the *township*, as shown in the diagram given opposite. However, as meridians of longitude converge to the north, the townships which were not near the base line were, therefore, less than six miles across from east to west. To avoid this difficulty, parallels of latitude called *correction lines* are arranged every twenty-four or thirty miles, and a fresh start is made so as to keep the townships as nearly six miles square as possible.

How townships are named.

Need of correction lines.

Each township is subdivided into thirty-six sections each one mile square and numbered as shown in the accompanying diagram. The sixteenth and thirty-sixth sections have been given to the states for the benefit of the public schools. Each section is further subdivided into halves, quarters, and possibly eighths.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	160 ACRES 40 80	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SECTIONS OF TOWNSHIP

Townships and sections.

229. The Sale of Public Lands. — After the public lands have been surveyed, large areas have been

Purpose and result of sales.

opened to settlement at a price that is purely nominal. The object of this liberal policy is to induce settlers to locate in the new territories and to foster a large class of small landholders. Unfortunately, large tracts have been obtained by speculators under the lenient land laws which we have had in the past and some of which are still in force.

The Homestead Act.

At the present time agricultural lands may be acquired under the Homestead Law, which enables any citizen or person who intends to become a citizen to acquire title to a quarter section, one hundred and sixty acres, by living on it for five years. As most of the unsold public lands are not capable of cultivation under present conditions, the government has recently passed an Irrigation Act for reclaiming arid lands at public expense. This act provides that the proceeds from the sale of lands in the Pacific and Rocky Mountain states shall be used for the construction of storage reservoirs in desert districts. This act has already been put into operation in several states, and eventually large areas will be made productive by this wise policy.

The Irrigation Act.

School lands in the newer states.

230. Aid given to Education. — The possession of these public lands has made it possible for the national government to develop the newer parts of our country not only by giving farms to actual settlers but in two other ways. (1) The newer states have been able to furnish better instruction in its public schools, because, when the state was admitted to the Union, Congress gave to it two sections out of the thirty-six in each township to be used for the advance-

ment of education. The sale of these lands aided greatly in the establishment of a first-class school system which has in turn proved a great attraction to prospective settlers and has been of the highest intellectual value to the community. Congress has also done a great deal for the agricultural schools of the country (§ 83) through gifts of lands and money.

Purpose and amount of land grants.

231. The Aid given to Railways. — (2) The development of the newer sections of the United States has also been aided by liberal gifts of public lands to railways in that part of our country. As no railway in an unsettled region can be self-supporting, this policy provided the West with means of transportation without which it would have remained a wilderness much longer than it did. During the two decades following 1850, the national government granted to railways, most of which were in the West, an area equal to that of the two Dakotas and Nebraska. A large part of this land was sold by the railway companies to settlers on very easy terms.

National loans to railways.

The national government gave additional help to the first transcontinental railway by loaning to it a sum of $64,000,000. Most of this was repaid to the government during the closing years of the nineteenth century.

Protection of our coasts.

232. River and Harbor Improvements. — As the national government has absolute control of foreign and interstate commerce, it has expended large sums of money in improving harbors, deepening channels, building breakwaters, maintaining lighthouses, pa-

River improvements.

trolling the coasts, and using other means to give good harbor facilities and to make navigation profitable as well as safe. Rivers that flow between states or in more than one state have been made fit for commercial purposes at vast expense. One of the most satisfactory of these improvements is at the mouth of the Mississippi River, where, by the simple device of narrowing the channel, the mud brought down by the river is carried far enough out to sea to prevent its obstructing the existing channel.

Interstate canals.

Canals have been constructed to connect interstate waters and to permit navigation around waterfalls. The largest of these is the new ship canal at Sault Ste. Marie uniting the waters of Lake Superior with those of Lake Huron. A sum of nearly $500,000,000 has been voted by Congress for river and harbor improvements, and for the earliest of all internal improvements — the historic Cumberland Road.

Object of the canal.

233. The Panama Canal is the greatest of the improvements undertaken by the national government. The real object of this waterway is to bring closer together the eastern and western coasts of the United States, thereby greatly promoting the commerce between those sections and affording better naval protection, by permitting the quick passage of warships from one to the other. Although the building of this canal has been discussed seriously for more than a half century, nothing was done until

The Isthmian Canal Act (1902).

Congress passed the Isthmian Canal Act in 1902. This authorized the President to secure a right of way for which $10,000,000 were paid, and to pur-

chase for $40,000,000 the rights and property of the French Canal Company which had already completed a quarter of the work necessary. The act also permitted the issuance of $135,000,000 in bonds for the work of construction, and gave to the President the right to select engineers who are now giving personal attention to the task of completing the canal. This waterway will be about fifty miles in length and will accommodate the largest vessels afloat. It will not only shorten the distance between ports on the shores of the Atlantic and Pacific oceans, but it will greatly reduce freight rates, and in consequence give an immense impetus to the world's commerce.

Value of the canal.

234. The Implied Powers of Congress. — None of these acts which we have been considering in the last four sections, and to most of which the name of "internal improvements" may be given, are directly authorized by the Constitution of the United States. Whatever right Congress may have to perform this work and any other tasks not mentioned in the Constitution, it derives from that very important provision of the Constitution best known as the "elastic clause." After enumerating many powers that Congress may exercise, the grant of powers is concluded in these words: Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof." We can readily appreciate the very great possibilities

The elastic clause as the basis of internal improvements,

and of other activities involving the use of implied powers.

that are contained in that sentence. If Congress, the President, and the courts agree that this clause should be interpreted liberally, the authority of the national government may be increased indefinitely, provided the government of the United States does not interfere with the work performed by the states. It does not require a very great knowledge of our history to understand that the people of this nation have favored a liberal construction of the elastic clause, that is, have desired to make use of the *implied powers* of the Constitution, and have aided in the expansion of national power.

Political and economic changes since 1787.

235. The Unwritten Constitution of the United States. — Just as the powers of Congress have been augmented by the use of implied powers, so has the authority of the other departments and of the national government as a whole been increased by a liberal construction of the entire Constitution. As we noticed in Chapter XIII, the Constitution was adopted in 1787 when the United States was very different from what it is to-day, not alone in size, but in the methods of doing business, in the political thought and practices of the people, in the distribution of wealth, and in our standing among the nations of the world. These great changes in the people and the nation necessitate a somewhat different government now from that of one hundred and fifteen years ago. With only fifteen amendments, most of which dealt with unimportant matters, the Constitution would have been outgrown long ago but for the fact that it is brief. Because of this brevity,

Need of constitutional changes.

laws have been necessary to supplement the Constitution, and practices have been adopted which have made our national government the kind of a government the people desire. In other words, the government of the United States has been made what it is not only by our exceptionally fine Constitution, but by the "unwritten constitution," for the name "unwritten constitution" is given to those laws and customs which increase the powers of the national government as defined in the Constitution, or alter the methods proposed by the Constitution. For example, this unwritten constitution allows us to acquire territory and forbids secession, two very important matters not mentioned in the written Constitution. By many men of great ability it is held that the national government may exercise what powers it pleases, unless it is brought into conflict with the states, because the United States is now a great nation, and must maintain its position as second to none of the other world powers.

What the "unwritten constitution" is like.

236. The National Government and Citizens' Rights. — Although our national government does much less for us directly than do the state and local governments, the security and prosperity of all citizens depend to a great degree upon the efficiency and success of the government of the nation. Without a sound currency system no amount of state legislation and local protection can prevent a business collapse. An interruption of the postal service for even a short period causes incon-

How the national government protects our rights which are under its care,

venience to all of us, and, if long continued, would result in loss and privation. If inclined to underestimate the protection afforded against foreign powers, let us consider what we are spared because a firm and wise foreign policy saves us from the annoyances of alien domination or the greater losses of war. The lesson of the Confederation was of no uncertain character, and proves beyond question that the states cannot enjoy peace and prosperity when the government of the whole people is a failure. Since the Civil War, moreover, the government of the United States has been able, through the Fourteenth Amendment, to protect any citizen whose rights were denied by his state government.

and indirectly protects our rights as citizens of the states.

237. Duties of National Citizenship are more vague in character than those obligations of citizenship exercised under the state and local governments. The citizen has few opportunities of voting for national officials, and can seldom exert any direct influence in the selection of appointive officers who deal with business of the nation. Nevertheless, public sentiment exerts an influence no less pronounced in national politics than in local affairs. No Congress or President cares to combat the people if they are united. The success of the civil-service reform movement is a living witness of the power of public sentiment when opposed to a deep-rooted custom of unusual vitality. Public sentiment is, moreover, the foundation on which the real Constitution of the United States has been constructed, for, as we have just noticed, the real

Duties connected with suffrage and public sentiment.

powers of the national officials are those which the people prefer.

Our duty to demand honest and clean politics.

To demand that our national government shall be, without effort on the part of the citizens, free from defects is both unreasonable and unjust. We ought not to expect that our political life shall be free from the faults that are conspicuous in our social and commercial intercourse. But we should insist that our national politics shall be honest and our legislation and diplomacy above reproach. When we load with honors the politician whose success has been achieved through treachery and deceit, when we give our support to a measure which promotes our interests at the expense of another, when we applaud as our government tramples on the rights of some weaker nation; whose fault is it but our own if politics are corrupt, if worthy measures fail to become laws, if just laws are unenforced, and if "jingoism" is the favorite doctrine of diplomats? The political experiences of the nation as well as of the states and localities are a fair index of the interest or indifference of the people, for in the long run the popular will cannot be ignored. Even decisions of the Supreme Court which have failed to reflect the nation's wish have been modified or overruled because of the growing opposition of public sentiment. But it is not enough that the government of the nation should be truly representative: it should represent us at our best. If some statesman, less self-seeking than his fellows, fearlessly attacks corruption in high places, and braves the storm of

The value of public interest and support of the right.

popular wrath evoked by criticism of unworthy laws to whose injustice the masses are blinded by their prejudice, shall we stand idly by and make no effort to right the wrong? A favorite device of the demagogue who seeks popular support for his crooked schemes is an appeal to patriotism. Too often patriotism is a cloak that is made to cover a multitude of sins. Patriotism demands an unswerving allegiance to our nation, but a genuine patriotism does not ask our support of a wrong policy or a dishonorable act, and every citizen should aim to be a true patriot.

Real patriotism.

TEXT QUESTIONS

1. Distinguish carefully between the government control of territories and government ownership of public lands. Mention examples of each.

2. For what purposes is public land permanently reserved by the government?

3. What is a base line? a principal meridian? a correction line? How large is a township? a quarter section?

4. Give the purpose and provisions of the Homestead Law; the Irrigation Act.

5. How have the public lands been used to develop the country, agriculturally, commercially, and intellectually?

6. What has been done to improve the waterways under the control of the national government?

7. Why did the Isthmian Canal Act mark an epoch in the history of the Panama Canal?

8. What is meant by the implied powers of Congress? What clause of the Constitution makes possible the use of implied powers?

9. What is the "unwritten constitution" like? How has the authority of the national government been expanded by it?

10. Why is the success of the national government necessary in order that we may enjoy the ordinary rights of citizens?

11. What do you consider the most important of the duties of national citizenship?

SUPPLEMENTARY QUESTIONS

1. Our national forest reserves. (*Munsey's Magazine*, XXIX (1903), pp. 537–540.)

2. Yellowstone National Park. (*Scribner's Magazine*, XXXV (1904), pp. 513–527.)

3. Where is the nearest base line? the nearest principal meridian? In what range and township do we live?

4. What are some of the most prominent defects in our land laws? (*Review of Reviews*, XXVIII (1903), pp. 594–595.)

5. How has national irrigation triumphed? (*Review of Reviews*, XXX (1904), pp. 49–52.)

6. What has the government done for railways? (Hart, "Actual Government," § 226.)

7. For a description of the Sault Ste. Marie ship canal, consult *Engineering Magazine*, XII (1897), pp. 600–610.

8. What river or harbor improvements has the government made in this vicinity? Has the expenditure been repaid in an increase of commerce?

9. What has been the history of the Panama Canal? (*Pearson's Magazine*, X (1903), pp. 119–133.)

10. What is the character of the Panama route? (*Scribner's Magazine*, XXXI (1902), 145–147, 156–169.)

11. The commercial aspects of the Panama Canal. (*Harper's Magazine*, XCVI (1898), pp. 761–769.)

12. What use has been made of the implied powers of Congress? (Ashley, "American Government," § 315.)

13. On the unwritten constitution, consult Ashley's "American Government," §§ 250–253.

CONSTITUTION OF THE UNITED STATES

Preamble. Objects of the Constitution.

WE, THE PEOPLE of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I

CONGRESS. Two houses.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

House of Representatives. Term and election.

Section 2. [1] The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Qualifications — age, citizenship, residence.

[2] No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Method of apportioning representatives. (Part in brackets superseded by Sec. 2 of Amendment XIV.) Census.

[3] [Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be

Temporary apportionment.

made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Vacancies.

[4] When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Officers.

[5] The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Senate. Election and term.

Section 3. [1] The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Division of Senators into three classes.

[2] Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Vacancies.

Qualifications — age, citizenship, residence.

[3] No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Vice President.

[4] The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

Officers.

[5] The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Trial of impeachments.

[6] The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

[7] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law. Judgment in cases of impeachment.

Section 4. [1] The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators. *Both Houses.* Times, places, and method of electing members.

[2] The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. Time of meeting.

Section 5. [1] Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide. Membership regulations. Quorum.

[2] Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member. Rules of each House.

[3] Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal. Journals.

[4] Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. Special adjournments.

Section 6. [1] The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place. *Members.* Compensation and privileges of members.

[2] No senator or representative shall, during the time for

Disabilities of members.

which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Bills and resolutions.

Section 7. [1] All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Revenue bills.

Veto of President on bills.

[2] Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Veto on resolutions.

[3] Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers of Congress. Taxation.

Section 8. The Congress shall have power [1] to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

[2] To borrow money on the credit of the United States; Borrowing.

[3] To regulate commerce with foreign nations, and among the several states, and with the Indian tribes; Regulating commerce.

[4] To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; Naturalization and bankruptcy.

[5] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; Coins, weights, and measures.

[6] To provide for the punishment of counterfeiting the securities and current coin of the United States; Counterfeiting.

[7] To establish post offices and post roads; Post offices.

[8] To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; Patents and copyrights.

[9] To constitute tribunals inferior to the Supreme Court; Inferior courts.

[10] To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; Piracies.

[11] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; War.

[12] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; Army.

[13] To provide and maintain a navy; Navy.

[14] To make rules for the government and regulation of the land and naval forces; Land and naval forces.

[15] To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; Militia, in service.

[16] To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; Militia, organization.

[17] To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; — and Seat of government, and stations.

Supplementary legislation.

[18] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Limitations on powers of Congress.

Slave trade.

Section 9. [1] The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas corpus.

[2] The privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Bills of attainder and ex post facto laws.

[3] No bill of attainder or ex post facto law shall be passed.

[4] No capitation, or other direct, tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Direct tax.

Tax on exports.

[5] No tax or duty shall be laid on articles exported from any State.

Uniform commercial regulations.

[6] No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Finance.

[7] No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles of nobility and presents.

[8] No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

Limitations on powers of States.

Specific prohibitions.

Section 10. [1] No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit, make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Limitations on imposts.

[2] No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be

absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Prohibitions removable with consent of Congress.

[3] No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

PRESIDENT. Term.

Section 1. [1] The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Presidential electors and method of choosing President.

[2] Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. [The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation

(Part in brackets superseded by Amendment XII.)

from each State having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]

Dates of elections.

[3] The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications, citizenship, age, and residence.

[4] No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Presidential succession.

[5] In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensation.

[6] The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath of office.

[7] Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Powers of President.

Military, supervisory, and judicial.

Section 2. [1] The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject

relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

In treaties and in appointments.

[2] He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Temporary appointments.

[3] The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Legislative powers.

Section 3. He shall, from time to time, give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Liability to impeachment.

Section 4. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Judiciary Courts. Judges: term and compensation.

Section 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive

for their services a compensation, which shall not be diminished during their continuance in office.

Jurisdiction.

Section 2. [1] The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Original and appellate jurisdiction of Supreme Court.

[2] In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

Jury trial. Place of trial.

[3] The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason: definition,

Section 3. [1] Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

punishment.

[2] The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV

Nation and States. Interstate comity.

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. [1] The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Interstate citizenship.

[2] A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. Extradition of criminals.

[3] No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. Fugitive slaves.

Section 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress. Admission of new States.

[2] The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State. Government of national territory.

Section 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the legislature cannot be convened), against domestic violence. Protection of States.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made Amendment of Constitution.

prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

MISCELLANEOUS.

Preëxisting national debt.

[1] All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

Supremacy of Constitution, treaties, and national law.

[2] This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Oaths of national and state officials.

[3] The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

Ratification.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. IN WITNESS whereof we have hereunto subscribed our names.

G°. WASHINGTON —
Presidt. and Deputy from Virginia

[and thirty-eight members from all the States except Rhode Island.]

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

Article I [1]

Prohibitions on Congress respecting religion, speech, and the press.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Article II [1]

Right to bear arms.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article III [1]

Quartering of soldiers.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article IV [1]

Right of search.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Article V [1]

Protection of accused in criminal cases.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the

[1] First ten amendments proposed by Congress, September 25, 1789. Proclaimed to be in force December 15, 1791.

militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article VI[1]

Rights of accused regarding trial.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article VII[1]

Jury trial in law-suits.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States, than according to the rules of the common law.

Article VIII[1]

Bail and punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX[1]

Unenumerated rights.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X[1]

Undelegated powers.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[1] First ten amendments proposed by Congress, September 25, 1789. Proclaimed to be in force December 15, 1791.

Article XI [1]

Exemption of States from suit.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Article XII

New method of electing President. (To supersede part of Art. II, sec. 1, cl. 2.) (Proposed Dec. 12, 1803. Declared in force Sept. 25, 1804.)

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; — the president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; — the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be Vice President, if such number be a majority of the whole num-

[1] Proposed September 5, 1794. Declared in force January 8, 1798.

ber of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Article XIII

Abolition of slavery. (Proposed Feb. 1, 1865. Declared in force Dec. 18, 1865.)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Article XIV

Citizens of the United States — protection of. (Proposed June 16, 1866. Declared in force July 28, 1868.)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

New basis of representation in Congress. (Superseding part of Art. I, sec. 2, cl. 3.)

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by two-thirds vote of each House, remove such disability. Disabilities of officials engaged in rebellion.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void. Validity of war debt.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV [1]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Voting rights of citizens of the U.S.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

[1] Proposed February 27, 1869. Declared in force March 30, 1870.

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